



Reprinted
February 27, 2008

ENGROSSED SENATE BILL No. 312

DIGEST OF SB 312 (Updated February 26, 2008 4:45 pm - DI 52)

Citations Affected: IC 3-5; IC 3-10; IC 3-11; IC 5-3; IC 6-1.1; IC 14-33; IC 20-29; IC 36-1; IC 36-2; IC 36-4; IC 36-5; IC 36-7; IC 36-9; IC 36-12; noncode.

Synopsis: Reorganization of county executive and legislative authority. Permits a county to reorganize its executive and legislative structure and powers so that all executive authority is exercised by a single elected county executive and all legislative and fiscal powers is exercised by the county council (as constituted under current law). Requires (1) the county executive to adopt an ordinance to reorganize the county executive and legislative powers; and (2) the reorganization to be approved by the voters of the county. Provides that such an ordinance may be adopted only in an even numbered year. Provides that if the county's voters vote in favor of the public question, the first single member county executive would be elected at the second general
(Continued next page)

Effective: Upon passage; July 1, 2008.

**Boots, Broden, Wyss,
Young R Michael, Delph**
(HOUSE SPONSORS — MOSES, BROWN T)

January 10, 2008, read first time and referred to Committee on Local Government and Elections.

January 24, 2008, amended, reported favorably — Do Pass.

January 28, 2008, read second time, amended, ordered engrossed.

January 29, 2008, engrossed. Read third time, passed. Yeas 32, nays 16.

HOUSE ACTION

February 11, 2008, read first time and referred to Committee on Elections and Apportionment.

February 21, 2008, amended, reported — Do Pass.

February 26, 2008, read second time, amended, ordered engrossed.

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election that is held after the general election at which the voters approve the reorganization. Provides for transition from a three member county executive to the single member county executive. Provides that if a county adopts a single county executive form of government, the county council rather than the county executive is responsible for redistricting the county council. (In Lake County, the county redistricting commission would continue to redistrict county council districts.) Provides that the only reason that county council districts may be changed after the first redistricting after a decennial census is to conform the districts to statutory requirements. Eliminates the requirements for: (1) a political subdivision to hold a public hearing annually on its estimated budget and tax levies; and (2) the county auditor to annually mail a property tax information statement to taxpayers. Makes technical and other changes to conform the law to the substantive changes.

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Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 312

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-5-2-22 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2008]: Sec. 22. (a) "Executive" means:

- 3 (1) **except as provided in subsection (b), the** board of county
4 commissioners, for a county not having a consolidated city;
5 (2) **the** mayor of the consolidated city, for a county having a
6 consolidated city;
7 (3) **the** mayor, for a city;
8 (4) **the** president of the town council, for a town; or
9 (5) **a** trustee, for a township.

10 **(b) In the case of a county subject to IC 36-2-2.5, "executive"**
11 **means the county executive elected under IC 3-10-2-13.**

12 SECTION 2. IC 3-10-1-19, AS AMENDED BY P.L.164-2006,
13 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2008]: Sec. 19. (a) The ballot for a primary election shall be
15 printed in substantially the following form for all the offices for which
16 candidates have qualified under IC 3-8:

17 OFFICIAL PRIMARY BALLOT

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1 _____ Party

2 For paper ballots, print: To vote for a person, make a voting mark
3 (X or ✓) on or in the box before the person's name in the proper
4 column. For optical scan ballots, print: To vote for a person, darken or
5 shade in the circle, oval, or square (or draw a line to connect the arrow)
6 that precedes the person's name in the proper column. For optical scan
7 ballots that do not contain a candidate's name, print: To vote for a
8 person, darken or shade in the oval that precedes the number assigned
9 to the person's name in the proper column. For electronic voting
10 systems, print: To vote for a person, touch the screen (or press the
11 button) in the location indicated.

12 Vote for one (1) only

13 Representative in Congress

14 ☐ (1) AB _____

15 ☐ (2) CD _____

16 ☐ (3) EF _____

17 ☐ (4) GH _____

18 (b) The offices with candidates for nomination shall be placed on
19 the primary election ballot in the following order:

20 (1) Federal and state offices:

21 (A) President of the United States.

22 (B) United States Senator.

23 (C) Governor.

24 (D) United States Representative.

25 (2) Legislative offices:

26 (A) State senator.

27 (B) State representative.

28 (3) Circuit offices and county judicial offices:

29 (A) Judge of the circuit court, and unless otherwise specified
30 under IC 33, with each division separate if there is more than
31 one (1) judge of the circuit court.

32 (B) Judge of the superior court, and unless otherwise specified
33 under IC 33, with each division separate if there is more than
34 one (1) judge of the superior court.

35 (C) Judge of the probate court.

36 (D) Judge of the county court, with each division separate, as
37 required by IC 33-30-3-3.

38 (E) Prosecuting attorney.

39 (F) Circuit court clerk.

40 (4) County offices:

41 (A) County auditor.

42 (B) County recorder.

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- 1 (C) County treasurer.
 2 (D) County sheriff.
 3 (E) County coroner.
 4 (F) County surveyor.
 5 (G) County assessor.
 6 (H) County commissioner.
 7 **(I) County executive, in the case of a county subject to**
 8 **IC 36-2-2.5.**
 9 ~~(H)~~ **(J)** County council member.
 10 (5) Township offices:
 11 (A) Township assessor.
 12 (B) Township trustee.
 13 (C) Township board member.
 14 (D) Judge of the small claims court.
 15 (E) Constable of the small claims court.
 16 (6) City offices:
 17 (A) Mayor.
 18 (B) Clerk or clerk-treasurer.
 19 (C) Judge of the city court.
 20 (D) City-county council member or common council member.
 21 (7) Town offices:
 22 (A) Clerk-treasurer.
 23 (B) Judge of the town court.
 24 (C) Town council member.
 25 (c) The political party offices with candidates for election shall be
 26 placed on the primary election ballot in the following order after the
 27 offices described in subsection (b):
 28 (1) Precinct committeeman.
 29 (2) State convention delegate.
 30 (d) The following offices and public questions shall be placed on the
 31 primary election ballot in the following order after the offices described
 32 in subsection (c):
 33 (1) School board offices to be elected at the primary election.
 34 (2) Other local offices to be elected at the primary election.
 35 (3) Local public questions.
 36 (e) The offices and public questions described in subsection (d)
 37 shall be placed:
 38 (1) in a separate column on the ballot if voting is by paper ballot;
 39 (2) after the offices described in subsection (c) in the form
 40 specified in IC 3-11-13-11 if voting is by ballot card; or
 41 (3) either:
 42 (A) on a separate screen for each office or public question; or

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1 (B) after the offices described in subsection (c) in the form
 2 specified in IC 3-11-14-3.5;
 3 if voting is by an electronic voting system.

4 (f) A public question shall be placed on the primary election ballot
 5 in the following form:

6 (The explanatory text for the public question,
 7 if required by law.)

8 "Shall (insert public question)?"

9 ☐ YES

10 ☐ NO

11 SECTION 3. IC 3-10-2-13 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. The following
 13 public officials shall be elected at the general election before their
 14 terms of office expire and every four (4) years thereafter:

- 15 (1) Clerk of the circuit court.
- 16 (2) County auditor.
- 17 (3) County recorder.
- 18 (4) County treasurer.
- 19 (5) County sheriff.
- 20 (6) County coroner.
- 21 (7) County surveyor.
- 22 (8) County assessor.
- 23 (9) County commissioner.
- 24 **(10) County executive, in the case of a county subject to**
 25 **IC 36-2-2.5.**
- 26 ~~(10)~~ **(11)** County council member.
- 27 ~~(11)~~ **(12)** Township trustee.
- 28 ~~(12)~~ **(13)** Township board member.
- 29 ~~(13)~~ **(14)** Township assessor.
- 30 ~~(14)~~ **(15)** Judge of a small claims court.
- 31 ~~(15)~~ **(16)** Constable of a small claims court.

32 SECTION 4. IC 3-11-2-12, AS AMENDED BY P.L.2-2005,
 33 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2008]: Sec. 12. The following offices shall be placed on the
 35 general election ballot in the following order:

- 36 (1) Federal and state offices:
 - 37 (A) President and Vice President of the United States.
 - 38 (B) United States Senator.
 - 39 (C) Governor and lieutenant governor.
 - 40 (D) Secretary of state.
 - 41 (E) Auditor of state.
 - 42 (F) Treasurer of state.



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- 1 (G) Attorney general.
- 2 (H) Superintendent of public instruction.
- 3 (I) United States Representative.
- 4 (2) Legislative offices:
- 5 (A) State senator.
- 6 (B) State representative.
- 7 (3) Circuit offices and county judicial offices:
- 8 (A) Judge of the circuit court, and unless otherwise specified
- 9 under IC 33, with each division separate if there is more than
- 10 one (1) judge of the circuit court.
- 11 (B) Judge of the superior court, and unless otherwise specified
- 12 under IC 33, with each division separate if there is more than
- 13 one (1) judge of the superior court.
- 14 (C) Judge of the probate court.
- 15 (D) Judge of the county court, with each division separate, as
- 16 required by IC 33-30-3-3.
- 17 (E) Prosecuting attorney.
- 18 (F) Clerk of the circuit court.
- 19 (4) County offices:
- 20 (A) County auditor.
- 21 (B) County recorder.
- 22 (C) County treasurer.
- 23 (D) County sheriff.
- 24 (E) County coroner.
- 25 (F) County surveyor.
- 26 (G) County assessor.
- 27 (H) County commissioner.
- 28 **(I) County executive, in the case of a county subject to**
- 29 **IC 36-2-2.5.**
- 30 **⌘ (J) County council member.**
- 31 (5) Township offices:
- 32 (A) Township assessor.
- 33 (B) Township trustee.
- 34 (C) Township board member.
- 35 (D) Judge of the small claims court.
- 36 (E) Constable of the small claims court.
- 37 (6) City offices:
- 38 (A) Mayor.
- 39 (B) Clerk or clerk-treasurer.
- 40 (C) Judge of the city court.
- 41 (D) City-county council member or common council member.
- 42 (7) Town offices:

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1 (A) Clerk-treasurer.

2 (B) Judge of the town court.

3 (C) Town council member.

4 SECTION 5. IC 5-3-1-2 IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) This section applies only
6 when notice of an event is required to be given by publication in
7 accordance with IC 5-3-1.

8 (b) If the event is a public hearing or meeting concerning any matter
9 not specifically mentioned in subsection (c), (d), (e), (f), (g), or (h)
10 notice shall be published one (1) time, at least ten (10) days before the
11 date of the hearing or meeting.

12 (c) If the event is an election, notice shall be published one (1) time,
13 at least ten (10) days before the date of the election.

14 (d) If the event is a sale of bonds, notes, or warrants, notice shall be
15 published two (2) times, at least one (1) week apart, with:

16 (1) the first publication made at least fifteen (15) days before the
17 date of the sale; and

18 (2) the second publication made at least three (3) days before the
19 date of the sale.

20 (e) If the event is the receiving of bids, notice shall be published two
21 (2) times, at least one (1) week apart, with the second publication made
22 at least seven (7) days before the date the bids will be received.

23 (f) If the event is the establishment of a cumulative or sinking fund,
24 notice of the proposal and of the public hearing that is required to be
25 held by the political subdivision shall be published two (2) times, at
26 least one (1) week apart, with the second publication made at least
27 three (3) days before the date of the hearing.

28 (g) If the event is the submission of a proposal adopted by a political
29 subdivision for a cumulative or sinking fund for the approval of the
30 department of local government finance, the notice of the submission
31 shall be published one (1) time. The political subdivision shall publish
32 the notice when directed to do so by the department of local
33 government finance.

34 (h) If the event is the required publication of an ordinance, notice of
35 the passage of the ordinance shall be published one (1) time within
36 thirty (30) days after the passage of the ordinance.

37 (i) If the event is one about which notice is required to be published
38 after the event, notice shall be published one (1) time within thirty (30)
39 days after the date of the event.

40 (j) If the event is anything else, notice shall be published two (2)
41 times, at least one (1) week apart, with the second publication made at
42 least three (3) days before the event.

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(k) In case any officer charged with the duty of publishing any notice required by law is unable to procure advertisement at the price fixed by law, or the newspaper refuses to publish the advertisement, it is sufficient for the officer to post printed notices in three (3) prominent places in the political subdivision, instead of advertisement in newspapers.

(l) If a notice of budget estimates for a political subdivision is published as required in IC 6-1.1-17-3, and the published notice contains an error due to the fault of a newspaper, the notice as presented for publication is a valid notice under this chapter.

(m) Notwithstanding subsection (j); if a notice of budget estimates for a political subdivision is published as required in IC 6-1.1-17-3, and if the notice is not published at least ten (10) days before the date fixed for the public hearing on the budget estimate due to the fault of a newspaper, the notice is a valid notice under this chapter if it is published one (1) time at least three (3) days before the hearing.

SECTION 6. IC 5-3-1-3, AS AMENDED BY P.L.1-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Within sixty (60) days after the expiration of each calendar year, the fiscal officer of each civil city and town in Indiana shall publish an annual report of the receipts and expenditures of the city or town during the preceding calendar year.

(b) Not earlier than August 1 or later than August 15 of each year, the secretary of each school corporation in Indiana shall publish an annual financial report.

(c) In the annual financial report the school corporation shall include the following:

(1) Actual receipts and expenditures by major accounts as compared to the budget advertised under IC 6-1.1-17-3 for the prior calendar year.

(2) The salary schedule for all certificated employees (as defined in IC 20-29-2-4) as of June 30, with the number of employees at each salary increment. However, the listing of salaries of individual teachers is not required.

(3) The extracurricular salary schedule as of June 30.

(4) The range of rates of pay for all noncertificated employees by specific classification.

(5) The number of employees who are full-time certificated, part-time certificated, full-time noncertificated, and part-time noncertificated.

(6) The lowest, highest, and average salary for the administrative staff and the number of administrators without a listing of the

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names of particular administrators.

(7) The number of students enrolled at each grade level and the total enrollment.

(8) The assessed valuation of the school corporation for the prior and current calendar year.

(9) The tax rate for each fund for the prior and current calendar year.

(10) In the general fund, capital projects fund, and transportation fund, a report of the total payment made to each vendor for the specific fund in excess of two thousand five hundred dollars (\$2,500) during the prior calendar year. However, a school corporation is not required to include more than two hundred (200) vendors whose total payment to each vendor was in excess of two thousand five hundred dollars (\$2,500). A school corporation shall list the vendors in descending order from the vendor with the highest total payment to the vendor with the lowest total payment above the minimum listed in this subdivision.

(11) A statement providing that the contracts, vouchers, and bills for all payments made by the school corporation are in its possession and open to public inspection.

(12) The total indebtedness as of the end of the prior calendar year showing the total amount of notes, bonds, certificates, claims due, total amount due from such corporation for public improvement assessments or intersections of streets, and any and all other evidences of indebtedness outstanding and unpaid at the close of the prior calendar year.

(d) The school corporation may provide an interpretation or explanation of the information included in the financial report.

(e) The department of education shall do the following:

(1) Develop guidelines for the preparation and form of the financial report.

(2) Provide information to assist school corporations in the preparation of the financial report.

(f) The annual reports required by this section and IC 36-2-2-19 and the abstract required by IC 36-6-4-13 shall each be published one (1) time only, in accordance with this chapter.

(g) Each school corporation shall submit to the department of education a copy of the financial report required under this section. The department of education shall make the financial reports available for public inspection.

SECTION 7. IC 6-1.1-15-1, AS AMENDED BY P.L.1-2008,

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SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A taxpayer may obtain a review by the county board of a county or township official's action with respect to the assessment of the taxpayer's tangible property if the official's action requires the giving of notice to the taxpayer. At the time that notice is given to the taxpayer, the taxpayer shall also be informed in writing of:

(1) the opportunity for a review under this section, including a meeting under subsection (h) with the county or township official referred to in this subsection; and

(2) the procedures the taxpayer must follow in order to obtain a review under this section.

(b) In order to obtain a review of an assessment effective for the assessment date to which the notice referred to in subsection (a) applies, the taxpayer must file a notice in writing with the county or township official referred to in subsection (a) not later than forty-five (45) days after the date of the notice referred to in subsection (a).

(c) A taxpayer may obtain a review by the county board of the assessment of the taxpayer's tangible property effective for an assessment date for which a notice of assessment is not given as described in subsection (a). To obtain the review, the taxpayer must file a notice in writing with the township assessor of the township in which the property is subject to assessment. The right of a taxpayer to obtain a review under this subsection for an assessment date for which a notice of assessment is not given does not relieve an assessing official of the duty to provide the taxpayer with the notice of assessment as otherwise required by this article. ~~For an assessment date in a year before 2009; The notice must be filed on or before May 10 of the year. For an assessment date in a year after 2008, the notice must be filed not later than the later of:~~

~~(1) May 10 of the year; or~~

~~(2) forty-five (45) days after the date of the statement mailed by the county auditor under IC 6-1.1-17-3(b).~~

(d) A change in an assessment made as a result of a notice for review filed by a taxpayer under subsection (c) after the time prescribed in subsection (c) becomes effective for the next assessment date. A change in an assessment made as a result of a notice for review filed by a taxpayer under subsection (b) or (c) remains in effect from the assessment date for which the change is made until the next assessment date for which the assessment is changed under this article.

(e) The written notice filed by a taxpayer under subsection (b) or (c) must include the following information:

(1) The name of the taxpayer.

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(2) The address and parcel or key number of the property.

(3) The address and telephone number of the taxpayer.

(f) A county or township official who receives a notice for review filed by a taxpayer under subsection (b) or (c) shall immediately forward the notice to the county board.

(g) The county board shall hold a hearing on a review under this subsection not later than one hundred eighty (180) days after the date of the notice for review filed by the taxpayer under subsection (b) or (c). The county board shall, by mail, give notice of the date, time, and place fixed for the hearing to the taxpayer and the county or township official with whom the taxpayer filed the notice for review. The taxpayer and the county or township official with whom the taxpayer filed the notice for review are parties to the proceeding before the county board.

(h) Before the county board holds the hearing required under subsection (g), the taxpayer may request a meeting by filing a written request with the county or township official with whom the taxpayer filed the notice for review to:

(1) attempt to resolve as many issues under review as possible;

and

(2) seek a joint recommendation for settlement of some or all of the issues under review.

A county or township official who receives a meeting request under this subsection before the county board hearing shall meet with the taxpayer. The taxpayer and the county or township official shall present a joint recommendation reached under this subsection to the county board at the hearing required under subsection (g). The county board may adopt or reject the recommendation in whole or in part.

(i) At the hearing required under subsection (g):

(1) the taxpayer may present the taxpayer's reasons for disagreement with the assessment; and

(2) the county or township official with whom the taxpayer filed the notice for review must present:

(A) the basis for the assessment decision; and

(B) the reasons the taxpayer's contentions should be denied.

(j) The county board may not require a taxpayer to file documentary evidence or summaries of statements of testimonial evidence before the hearing required under subsection (g). If the action for which a taxpayer seeks review under this section is the assessment of tangible property, the taxpayer is not required to have an appraisal of the property in order to do the following:

(1) Initiate the review.

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(2) Prosecute the review.

(k) Regardless of whether the county board adopts a recommendation under subsection (h), the county board shall prepare a written decision resolving all of the issues under review. The county board shall, by mail, give notice of its determination not later than one hundred twenty (120) days after the hearing under subsection (g) to the taxpayer, the county assessor, and the township assessor.

(l) If the maximum time elapses:

(1) under subsection (g) for the county board to hold a hearing; or

(2) under subsection (k) for the county board to give notice of its determination;

the taxpayer may initiate a proceeding for review before the Indiana board by taking the action required by section 3 of this chapter at any time after the maximum time elapses.

SECTION 8. IC 6-1.1-17-3, AS AMENDED BY P.L.219-2007, SECTION 49, AND AS AMENDED BY P.L.224-2007, SECTION 5, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The proper officers of a political subdivision shall formulate its estimated budget and its proposed tax rate and tax levy on the form prescribed by the department of local government finance and approved by the state board of accounts. The political subdivision shall give notice by publication to taxpayers of:

(1) the estimated budget;

(2) the estimated maximum permissible levy;

(3) the current and proposed tax levies of each fund; and

(4) the amounts of excessive levy appeals to be requested:

In the notice, the political subdivision shall also state the time and place at which a public hearing will be held on these items. The notice shall be published twice in accordance with IC 5-3-1 with the first publication at least ten (10) days before the date fixed for the public hearing. Beginning in 2009, the duties required by this subsection must be completed before August 10 of the calendar year. A political subdivision shall provide the estimated budget and levy information required for the notice under subsection (b) to the county auditor on the schedule determined by the department of local government finance.

(b) Beginning in 2009, before August 10 of a calendar year, the county auditor shall mail to the last known address of each person liable for any property taxes; as shown on the tax duplicate; or to the last known address of the most recent owner shown in the transfer book; a statement that includes:

(1) the assessed valuation as of the assessment date in the current

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calendar year of tangible property on which the person will be liable for property taxes first due and payable in the immediately succeeding calendar year and notice to the person of the opportunity to appeal the assessed valuation under ~~IC 6-1.1-15-1(b); IC 6-1.1-15-1(c);~~

(2) the amount of property taxes for which the person will be liable to each political subdivision on the tangible property for taxes first due and payable in the immediately succeeding calendar year; taking into account all factors that affect that liability, including:

(A) the estimated budget and proposed tax rate and tax levy formulated by the political subdivision under subsection (a);

(B) any deductions or exemptions that apply to the assessed valuation of the tangible property;

(C) any credits that apply in the determination of the tax liability; and

(D) the county auditor's best estimate of the effects on the tax liability that might result from actions of:

(i) the county board of tax adjustment *(before January 1, 2009) or the county board of tax and capital projects review (after December 31, 2008); or*

(ii) the department of local government finance;

(3) a prominently displayed notation that:

(A) the estimate under subdivision (2) is based on the best information available at the time the statement is mailed; and

(B) based on various factors, including potential actions by:

(i) the county board of tax adjustment *(before January 1, 2009) or the county board of tax and capital projects review (after December 31, 2008); or*

(ii) the department of local government finance;

it is possible that the tax liability as finally determined will differ substantially from the estimate;

(4) comparative information showing the amount of property taxes for which the person is liable to each political subdivision on the tangible property for taxes first due and payable in the current year; and

(5) the date, time, and place at which the political subdivision will hold a public hearing on the political subdivision's estimated budget and proposed tax rate and tax levy as required under subsection (a);

(c) The department of local government finance shall:

(1) prescribe a form for; and

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(2) provide assistance to county auditors in preparing;
statements under subsection (b): Mailing the statement described in
subsection (b) to a mortgagee maintaining an escrow account for a
person who is liable for any property taxes shall not be construed as
compliance with subsection (b):

(d) The board of directors of a solid waste management district
established under IC 13-21 or IC 13-9.5-2 (before its repeal) may
conduct the public hearing required under subsection (a):

(1) in any county of the solid waste management district; and

(2) in accordance with the annual notice of meetings published
under IC 13-21-5-2:

(e) (b) The trustee of each township in the county shall estimate the
amount necessary to meet the cost of township assistance in the
township for the ensuing calendar year. The township board shall adopt
with the township budget a tax rate sufficient to meet the estimated cost
of township assistance. The taxes collected as a result of the tax rate
adopted under this subsection are credited to the township assistance
fund.

(f) (c) A county shall adopt with the county budget and the
department of local government finance shall certify under section 16
of this chapter a tax rate sufficient to raise the levy necessary to pay the
following:

(1) The cost of child services (as defined in IC 12-19-7-1) of the
county payable from the family and children's fund.

(2) The cost of children's psychiatric residential treatment
services (as defined in IC 12-19-7.5-1) of the county payable from
the children's psychiatric residential treatment services fund.

A budget, tax rate, or tax levy adopted by a county fiscal body or
approved or modified by a county board of tax adjustment that is less
than the levy necessary to pay the costs described in subdivision (1) or
(2) shall not be treated as a final budget, tax rate, or tax levy under
section 11 of this chapter.

SECTION 9. IC 6-1.1-17-5, AS AMENDED BY P.L.219-2007,
SECTION 50, AND AS AMENDED BY P.L.224-2007, SECTION 6,
IS CORRECTED AND AMENDED TO READ AS FOLLOWS
[EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The officers of political
subdivisions shall meet each year to fix the budget, tax rate, and tax
levy of their respective subdivisions for the ensuing budget year as
follows:

(1) *The fiscal body of a consolidated city and county, not later
than the last meeting of the fiscal body in September.*

(2) *The fiscal body of a municipality, not later than September 30:*

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~~(3)~~ (1) The board of school trustees of a school corporation that is located in a city having a population of more than one hundred five thousand (105,000) but less than one hundred twenty thousand (120,000), not later than:

(A) the time required in section 5.6(b) of this chapter; or

(B) September ~~20~~ 30 if a resolution adopted under section 5.6(d) of this chapter is in effect.

~~(4)~~ (2) The proper officers of all other political subdivisions, not later than September ~~20~~ 30.

Except in a consolidated city and county and in a second class city, the public hearing required by section 3 of this chapter must be completed at least ten ~~(10)~~ days before the proper officers of the political subdivision meet to fix the budget, tax rate, and tax levy. In a consolidated city and county and in a second class city, that public hearing, by any committee or by the entire fiscal body, may be held at any time after introduction of the budget.

(b) Ten (10) or more taxpayers may object to a budget, tax rate, or tax levy of a political subdivision fixed under subsection (a) by filing an objection petition with the proper officers of the political subdivision not more than seven (7) days after the hearing. The objection petition must specifically identify the provisions of the budget, tax rate, and tax levy to which the taxpayers object.

(c) If a petition is filed under subsection (b), the fiscal body of the political subdivision shall adopt with its budget a finding concerning the objections in the petition and any testimony presented at the adoption hearing.

(d) This subsection does not apply to a school corporation. Each year at least two (2) days before the first meeting *after September 20* of the county board of tax adjustment *(before January 1, 2009) or the county board of tax and capital projects review (after December 31, 2008)* held under IC 6-1.1-29-4, a political subdivision shall file with the county auditor:

(1) a statement of the tax rate and levy fixed by the political subdivision for the ensuing budget year;

(2) two (2) copies of the budget adopted by the political subdivision for the ensuing budget year; and

(3) two (2) copies of any findings adopted under subsection (c).

Each year the county auditor shall present these items to the county board of tax adjustment *(before January 1, 2009) or the county board of tax and capital projects review (after December 31, 2008)* at the board's first meeting *under IC 6-1.1-29-4 after September 20 of that year*.

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(e) In a consolidated city and county and in a second class city, the clerk of the fiscal body shall, notwithstanding subsection (d), file the adopted budget and tax ordinances with the county board of tax adjustment *(before January 1, 2009) or the county board of tax and capital projects review (after December 31, 2008)* within two (2) days after the ordinances are signed by the executive, or within two (2) days after action is taken by the fiscal body to override a veto of the ordinances, whichever is later.

(f) If a fiscal body does not fix the budget, tax rate, and tax levy of the political subdivisions for the ensuing budget year as required under this section, the most recent annual appropriations and annual tax levy are continued for the ensuing budget year.

SECTION 10. IC 6-1.1-17-16, AS AMENDED BY P.L.1-2007, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) Subject to the limitations and requirements prescribed in this section, the department of local government finance may revise, reduce, or increase a political subdivision's budget by fund, tax rate, or tax levy which the department reviews under section 8 or 10 of this chapter.

(b) Subject to the limitations and requirements prescribed in this section, the department of local government finance may review, revise, reduce, or increase the budget by fund, tax rate, or tax levy of any of the political subdivisions whose tax rates compose the aggregate tax rate within a political subdivision whose budget, tax rate, or tax levy is the subject of an appeal initiated under this chapter.

(c) Except as provided in subsections (j) and (k), before the department of local government finance reviews, revises, reduces, or increases a political subdivision's budget by fund, tax rate, or tax levy under this section, the department must hold a public hearing on the budget, tax rate, and tax levy. The department of local government finance shall hold the hearing in the county in which the political subdivision is located. The department of local government finance may consider the budgets by fund, tax rates, and tax levies of several political subdivisions at the same public hearing. At least five (5) days before the date fixed for a public hearing, the department of local government finance shall give notice of the time and place of the hearing and of the budgets by fund, levies, and tax rates to be considered at the hearing. The department of local government finance shall publish the notice in two (2) newspapers of general circulation published in the county. However, if only one (1) newspaper of general circulation is published in the county, the department of local government finance shall publish the notice in that newspaper.

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(d) Except as provided in subsection (i), IC 20-45, IC 20-46, or IC 6-1.1-18.5, the department of local government finance may not increase a political subdivision's budget by fund, tax rate, or tax levy to an amount which exceeds the amount originally fixed by the political subdivision. However, if the department of local government finance determines that IC 5-3-1-2.3(b) applies to the tax rate, tax levy, or budget of the political subdivision, the maximum amount by which the department may increase the tax rate, tax levy, or budget is the amount originally fixed by the political subdivision, and not the amount that was incorrectly published or omitted in the notice described in IC 5-3-1-2.3(b). The department of local government finance shall give the political subdivision written notification specifying any revision, reduction, or increase the department proposes in a political subdivision's tax levy or tax rate. The political subdivision has two (2) weeks from the date the political subdivision receives the notice to provide a written response to the department of local government finance's Indianapolis office. The response may include budget reductions, reallocation of levies, a revision in the amount of miscellaneous revenues, and further review of any other item about which, in the view of the political subdivision, the department is in error. The department of local government finance shall consider the adjustments as specified in the political subdivision's response if the response is provided as required by this subsection and shall deliver a final decision to the political subdivision.

(e) The department of local government finance may not approve a levy for lease payments by a city, town, county, library, or school corporation if the lease payments are payable to a building corporation for use by the building corporation for debt service on bonds and if:

- (1) no bonds of the building corporation are outstanding; or
- (2) the building corporation has enough legally available funds on hand to redeem all outstanding bonds payable from the particular lease rental levy requested.

(f) The department of local government finance shall certify its action to:

- (1) the county auditor;
- (2) the political subdivision if the department acts pursuant to an appeal initiated by the political subdivision;
- (3) the taxpayer that initiated an appeal under section 13 of this chapter, or, if the appeal was initiated by multiple taxpayers, the first ten (10) taxpayers whose names appear on the statement filed to initiate the appeal; and
- (4) a taxpayer that owns property that represents at least ten

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percent (10%) of the taxable assessed valuation in the political subdivision.

(g) The following may petition for judicial review of the final determination of the department of local government finance under subsection (f):

(1) If the department acts under an appeal initiated by a political subdivision, the political subdivision.

(2) If the department:

(A) acts under an appeal initiated by one (1) or more taxpayers under section 13 of this chapter; or

(B) fails to act on the appeal before the department certifies its action under subsection (f);

a taxpayer who signed the statement filed to initiate the appeal.

(3) If the department acts under an appeal initiated by the county auditor under section 14 of this chapter, the county auditor.

(4) A taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision.

The petition must be filed in the tax court not more than forty-five (45) days after the department certifies its action under subsection (f).

(h) The department of local government finance is expressly directed to complete the duties assigned to it under this section not later than February 15th of each year for taxes to be collected during that year.

(i) Subject to the provisions of all applicable statutes, the department of local government finance may increase a political subdivision's tax levy to an amount that exceeds the amount originally fixed by the political subdivision if the increase: ~~is:~~

(1) ~~is~~ requested in writing by the officers of the political subdivision;

(2) ~~either:~~

(A) ~~based on information first obtained by the political subdivision after the public hearing under section 3 of this chapter; or~~

~~(B)~~ results from an inadvertent mathematical error made in determining the levy; and

(3) ~~is~~ published by the political subdivision according to a notice provided by the department.

(j) The department of local government finance shall annually review the budget by fund of each school corporation not later than April 1. The department of local government finance shall give the school corporation written notification specifying any revision,

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reduction, or increase the department proposes in the school corporation's budget by fund. A public hearing is not required in connection with this review of the budget.

(k) The department of local government finance may hold a hearing under subsection (c) only if the notice required in section 12 of this chapter is published at least ten (10) days before the date of the hearing.

SECTION 11. IC 14-33-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) This section applies to districts:

(1) established after July 1, 1983; and

(2) containing all or part of a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

(b) Each year **before August 1** the board shall submit two (2) copies of the estimated budget formulated by the district for the next budget year to the fiscal body of the county described in subsection (a). ~~at least ten (10) days before the board holds the public hearing on the estimated budget under IC 6-1.1-17-3.~~

(c) The fiscal body:

(1) shall hold a public hearing on the budget; and

(2) may lower but may not increase any item in the estimated budget.

Notice of the hearing shall be published in accordance with IC 5-3-1, except that notice must be published at least five (5) days before the hearing date.

(d) **Each year before August 10** the county fiscal body shall deliver two (2) copies of the budget approved under subsection (c) to the board. ~~at least two (2) days before the date fixed for the public hearing on the budget held by the board under IC 6-1.1-17-3.~~ The board may not approve a total budget in excess of the amount approved by the county fiscal body.

SECTION 12. IC 20-29-2-17, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. "Submission date" means ~~the first date for the legal notice and publication of the budget of a school corporation under IC 6-1.1-17-3.~~ **August 1.**

SECTION 13. IC 36-1-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) "Executive" means:

(1) **except as provided in subsection (b), the board of commissioners, for a county not having a consolidated city;**

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- (2) **the** mayor of the consolidated city, for a county having a consolidated city;
- (3) **the** mayor, for a city;
- (4) **the** president of the town council, for a town;
- (5) **a** trustee, for a township;
- (6) **the** superintendent, for a school corporation; or
- (7) **the** chief executive officer, for any other political subdivision.

(b) "Executive", in the case of a county subject to IC 36-2-2.5, means the county executive elected under IC 3-10-2-13 for a county not having a consolidated city.

SECTION 14. IC 36-1-2-9, AS AMENDED BY P.L.186-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. "Legislative body" means: ~~the~~:

- (1) **the** board of county commissioners, for a county not subject to IC 36-2-3.5 or IC 36-3-1;
- (2) **the** county council, for a county subject to IC 36-2-3.5 **or IC 36-2-3.7**;
- (3) **the** city-county council, for a consolidated city or county having a consolidated city;
- (4) **the** common council, for a city other than a consolidated city;
- (5) **the** town council, for a town;
- (6) **the** township board, for a township;
- (7) **the** governing body of any other political subdivision that has a governing body; or
- (8) **the** chief executive officer of any other political subdivision that does not have a governing body.

SECTION 15. IC 36-2-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) If the resident voters in a specified territory in two (2) or more contiguous counties desire to change the boundaries of their respective counties, they may file a petition with the executives of their respective counties requesting that the territory be transferred. The petition must:

- (1) be signed by at least the number of voters resident in the territory requested to be transferred required to place a candidate on the ballot under IC 3-8-6-3;
- (2) contain a clear, distinct description of the requested boundary change; and
- (3) not propose to decrease the area of any county below four hundred (400) square miles in compliance with Article 15, Section 7 of the Constitution of the State of Indiana.

(b) Whenever a petition under subsection (a) is filed with a county executive, the executive shall determine, at its first meeting after the

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1 petition is filed:

2 (1) whether the signatures on the petition are genuine; and

3 (2) whether the petition complies with subsection (a).

4 (c) If the determinations under subsection (b) are affirmative, the
5 executive shall certify the question to the county election board of each
6 affected county. The county election boards shall jointly order a special
7 election to be held, scheduling the election so that the election is held
8 on the same date in each county interested in the change, but not later
9 than thirty (30) days and not on the same date as a general election. The
10 election shall be conducted under IC 3-10-8-6. All voters of each
11 interested county are entitled to vote on the question. The question
12 shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and
13 must state "Shall the boundaries of _____ County and
14 _____ County change?".

15 (d) After an election under subsection (c), the clerk of each county
16 shall make a certified copy of the election returns and not later than
17 five (5) days after the election file the copy with the auditor of the
18 county. The auditor shall, not later than five (5) days after the filing of
19 the returns in the auditor's office, make a true and complete copy of the
20 returns, certified under the auditor's hand and seal, and deposit the copy
21 with the auditor of every other county interested in the change.

22 (e) After copies have been filed under subsection (d), the auditor of
23 each county shall call a meeting of the executive of the county, which
24 shall examine the returns. If a majority of the voters of each interested
25 county voted in favor of change, the executive shall:

26 (1) enter an order declaring their boundaries to be changed as
27 described in the petition; and

28 (2) if the county has received territory from the transfer, adopt
29 revised descriptions of:

30 (A) county commissioner districts under IC 36-2-2-4; and

31 (B) county council districts under IC 36-2-3-4;

32 so that the transferred territory is assigned to at least one (1) county
33 commissioner district and at least one (1) county council district. **If**
34 **IC 36-2-3.7 is applicable to a county, the county council shall**
35 **establish the county council districts under IC 36-2-3-4.6.**

36 (f) The executive of each county shall file a copy of the order
37 described in subsection (e)(1) with:

38 (1) the office of the secretary of state; and

39 (2) the circuit court clerk of the county.

40 Except as provided in subsection (g), the transfer of territory becomes
41 effective when the last county order is filed under this subsection.

42 (g) An order declaring county boundaries to be changed may not

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take effect during the year preceding a year in which a federal decennial census is conducted. An order that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 2 of the year in which a federal decennial census is conducted.

(h) An election under this section may be held only once every three (3) years.

SECTION 16. IC 36-2-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. This chapter applies to all counties ~~not~~ **except the following:**

(1) **A county** having a consolidated city.

(2) **A county subject to IC 36-2-2.5.**

SECTION 17. IC 36-2-2.4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 2.4. Reorganization of County Executive and Legislative Structure and Powers

Sec. 1. This chapter does not apply to a county having a consolidated city.

Sec. 2. (a) Subject to subsection (b), the county executive may adopt an ordinance to reorganize the executive and legislative structure and functions of the county as provided in this chapter.

(b) An ordinance adopted under this section must be adopted before July 1 of an even-numbered year.

Sec. 3. The county executive shall certify the adoption of the ordinance to the county election board as provided in IC 3-10-9.

Sec. 4. The county election board shall place the following public question on the ballot at the next general election held in the county:

"Shall the county government of (insert the name of the county) County be reorganized to place all executive powers in a single elected county executive and to place all legislative powers in the county council?"

Sec. 5. IC 3, except where inconsistent with this chapter, applies to a public question placed on the ballot under this chapter.

Sec. 6. If a majority of the voters who vote on the public question vote in favor of the public question, the following apply:

(1) IC 36-2-2.5 applies to the county instead of IC 36-2-2.

(2) The county executive consists of one (1) individual.

(3) The county may not subsequently be governed under IC 36-2-2.

(4) The county executive described in subdivision (2) shall:

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- 1 (A) be elected at the second general election held after the
 2 year the ordinance is adopted; and
 3 (B) take office January 1 after the individual's election.
 4 (5) The term of office of each member of the county executive
 5 elected under IC 36-2-2 is as follows:
 6 (A) The term of a member elected at the general election
 7 held in the year the public question is approved:
 8 (i) is four (4) years; and
 9 (ii) expires at the end of the day on December 31 after
 10 the election described in subdivision (4).
 11 (B) The term of a member elected at the first general
 12 election held after the year the public question is
 13 approved:
 14 (i) is two (2) years; and
 15 (ii) expires at the end of the day on December 31 after
 16 the election described in subdivision (4).
 17 (6) IC 36-2-3.7 applies to the county.
 18 SECTION 18. IC 36-2-2.5 IS ADDED TO THE INDIANA CODE
 19 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2008]:
 21 Chapter 2.5. Single Member County Executive
 22 Sec. 1. (a) This chapter applies to a county if the voters of the
 23 county approve a public question under IC 36-2-2.4.
 24 (b) This chapter does not apply to a county having a
 25 consolidated city.
 26 Sec. 2. As used in this chapter, "county executive" means the
 27 county executive elected under IC 3-10-2-13 every four (4) years.
 28 Sec. 3. (a) All powers and duties of the county that are executive
 29 or administrative in nature shall be exercised or performed by the
 30 county executive, except to the extent that these powers and duties
 31 are expressly assigned by law to another elected or appointed
 32 officer.
 33 (b) Any reference:
 34 (1) in the Indiana Code;
 35 (2) in the Indiana Administrative Code; or
 36 (3) in an ordinance or resolution;
 37 to the board of commissioners as it pertains to a county governed
 38 by this chapter shall be considered a reference to the county
 39 executive of the county. Any reference in the Indiana Code related
 40 to the executive powers and duties of the board of county
 41 commissioners shall, for purposes of a county subject to this
 42 chapter, be considered a reference to the county executive of the

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1 county.

2 (c) The county council has the legislative powers and duties of
3 the county as provided in IC 36-2-3.7.

4 Sec. 4. The county executive shall do the following:

5 (1) Report on the condition of the county before March 1 of
6 each year to the county council and to the residents of the
7 county.

8 (2) Recommend before March 1 of each year to the county
9 council any action or program the county executive considers
10 necessary for the improvement of the county and the welfare
11 of county residents.

12 (3) Submit to the county council an annual budget in
13 accordance with IC 36-2-5.

14 (4) Establish the procedures to be followed by all county
15 departments, offices, and agencies under the county
16 executive's jurisdiction, to the extent these procedures are not
17 expressly assigned by law to another elected or appointed
18 officer.

19 (5) Administer all statutes, ordinances, and regulations
20 applicable to the county, to the extent the administration of
21 these matters is not expressly assigned by law to another
22 elected or appointed officer.

23 (6) Supervise the care and custody of all county property.

24 (7) Supervise the collection of revenues and control all
25 disbursements and expenditures, and prepare a complete
26 account of all expenditures, to the extent these matters are not
27 expressly assigned by law to another elected or appointed
28 officer.

29 (8) Review, analyze, and forecast trends for county services
30 and finances and programs of all county governmental
31 entities, and report and recommend on these to the county
32 council by March 15 of each year.

33 (9) Negotiate contracts for the county.

34 (10) Make recommendations concerning the nature and
35 location of county improvements, and provide for the
36 execution of those improvements.

37 (11) Supervise county administrative offices, except for the
38 offices of elected officers.

39 (12) Approve or veto ordinances passed by the county council
40 in the manner prescribed by section 6 of this chapter.

41 (13) Perform other duties and functions that are assigned to
42 the county executive by statute or ordinance.

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1 **Sec. 5. The county executive may do any of the following:**

2 (1) **Order any department, office, or agency under the county**
3 **executive's jurisdiction to undertake any task for another**
4 **department, office, or agency under the county executive's**
5 **jurisdiction on a temporary basis, if necessary for the proper**
6 **and efficient administration of county government.**

7 (2) **Establish and administer centralized budgeting,**
8 **centralized personnel selection, and centralized purchasing.**

9 **Sec. 6. The county executive shall approve or veto ordinances**
10 **passed by the county council in the manner prescribed by**
11 **IC 36-2-4-8.**

12 **Sec. 7. Notwithstanding any other law, if a statute requires a**
13 **county executive to take an executive action by ordinance or**
14 **resolution, the county executive shall instead take the action by**
15 **issuing an executive order.**

16 SECTION 19. IC 36-2-3-2 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. ~~(a) The seven (7)~~
18 ~~member~~ county council elected under this chapter is the county fiscal
19 body **and the county legislative body if IC 36-2-3.7 applies to the**
20 **county.** The fiscal body shall act in the name of "The _____
21 County Council".

22 (b) ~~Notwithstanding subsection (a), in a county having a population~~
23 ~~of more than two hundred thousand (200,000) but less than three~~
24 ~~hundred thousand (300,000), the county council has nine (9) members.~~

25 SECTION 20. IC 36-2-3-3 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) The ~~fiscal body~~
27 **county council** shall be elected under IC 3-10-2-13. Except in a county
28 having only single member districts, members elected from districts
29 and at large members, respectively, ~~are to~~ **shall** be elected in alternate,
30 succeeding general elections under ~~section 4 of~~ this chapter. In a
31 county having only single member districts, the terms of the members
32 are staggered as was provided by law before September 1, 1980.

33 (b) The term of office of a member of the ~~fiscal body~~ **county**
34 **council** is four (4) years, beginning January 1 after election and
35 continuing until a successor is elected and qualified.

36 SECTION 21. IC 36-2-3-4, AS AMENDED BY P.L.230-2005,
37 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2008]: Sec. 4. (a) **This section does not apply to a county if**
39 **IC 36-3-3.7 applies to the county.**

40 (b) This subsection does not apply to a county having a population
41 of:

42 (1) more than four hundred thousand (400,000) but less than

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seven hundred thousand (700,000); or

(2) more than two hundred thousand (200,000) but less than three hundred thousand (300,000).

The county executive shall, by ordinance, divide the county into four (4) contiguous, single-member districts that comply with subsection ~~(d)~~: **(e)**. If necessary, the county auditor shall call a special meeting of the executive to establish or revise districts. One (1) member of the ~~fiscal body~~ **county council** shall be elected by the voters of each of the four (4) districts. Three (3) at-large members of the ~~fiscal body~~ **county council** shall be elected by the voters of the whole county.

~~(b)~~ **(c)** This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The county redistricting commission established under IC 36-2-2-4 shall divide the county into seven (7) single-member districts that comply with subsection ~~(d)~~: **(e)**. One (1) member of the ~~fiscal body~~ **county council** shall be elected by the voters of each of these seven (7) single-member districts.

~~(c)~~ **(d)** This subsection applies to a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000). The ~~fiscal body~~ **county council** shall divide the county into nine (9) single-member districts that comply with subsection (d). Three (3) of these districts must be contained within each of the three (3) districts established under IC 36-2-2-4(c). One (1) member of the ~~fiscal body~~ **county council** shall be elected by the voters of each of these nine (9) single-member districts.

~~(d)~~ **(e)** Single-member districts established under subsection ~~(a)~~; (b), **(c)**, or ~~(c)~~ **(d)** must:

(1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);

(2) not cross precinct boundary lines;

(3) contain, as nearly as possible, equal population; and

(4) include whole townships, except when a division is clearly necessary to accomplish redistricting under this section.

~~(c)~~ **(f)** A division under subsection ~~(a)~~; (b), **(c)**, or ~~(c)~~ **(d)** shall be made:

(1) during the first year after a year in which a federal decennial census is conducted; and

(2) when the county executive adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

~~(f)~~ **(g)** A division under subsection ~~(a)~~; (b), **(c)**, or ~~(c)~~ **(d)** may be made in any odd-numbered year at a time not described in subsection

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~~(e)~~. (f) only to make districts comply with subsection (e).

SECTION 22. IC 36-2-3-4.6 IS ADDED TO THE INDIANA CODE AS NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4.6. (a) If IC 36-2-3.7 applies to the county:

(1) this section applies to the county; and

(2) section 4 of this chapter does not apply to the county.

(b) Except as provided in subsections (c) and (d), the county council shall divide the county into four (4) single-member districts that comply with subsection (e). If necessary, the county auditor shall call a special meeting of the county council to establish or revise districts. One (1) member of the county council shall be elected by the voters of each of the four (4) districts. Three (3) at-large members of the county council shall be elected by all the voters of the county.

(c) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The county redistricting commission established under IC 36-2-2-4 shall divide the county into seven (7) single-member districts that comply with subsection (e). One (1) member of the county council shall be elected by the voters of each of these seven (7) single-member districts.

(d) This subsection applies to a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000). The county council shall divide the county into nine (9) single-member districts that comply with subsection (d). Three (3) of the districts must be contained within each of the three (3) districts established under IC 36-2-2-4(c). One (1) member of the county council shall be elected by the voters of each of these nine (9) single-member districts.

(e) Single-member districts established under this section must:

(1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);

(2) not cross precinct boundary lines;

(3) contain, as nearly as possible, equal population; and

(4) include whole townships, except when a division is clearly necessary to accomplish redistricting under this section.

(f) A division under this section shall be made:

(1) during the first year after a year in which a federal decennial census is conducted; and

(2) when the county executive adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

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(g) A division under this section may be made at a time not described in subsection (f) only to make districts comply with subsection (e).

SECTION 23. IC 36-2-3-4.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4.7. (a) Whenever the county executive or the county ~~fiscal body~~ **council** divides the county into districts under ~~section 4~~ of this chapter, the county executive or the county ~~fiscal body~~ **council** shall adopt an ordinance.

(b) The county executive or the county ~~fiscal body~~ **council** shall file a copy of an ordinance adopted under subsection (a) with the circuit court clerk.

SECTION 24. IC 36-2-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) To be eligible to serve as a member of the ~~fiscal body~~, **county council**, a person must meet the qualifications prescribed by IC 3-8-1-22.

(b) A member of the ~~fiscal body~~ **county council** must reside within:

(1) the county as provided in Article 6, Section 6 of the Constitution of the State of Indiana; and

(2) the district from which the member was elected, if applicable.

(c) A member who fails to comply with subsection (b) forfeits the office.

SECTION 25. IC 36-2-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) At its regular meeting required by section 7(b)(1) of this chapter, the ~~fiscal body~~ **county council** shall elect a president and president pro tempore from its members.

(b) The county auditor is the clerk of the ~~fiscal body~~ **county council** and shall:

(1) preserve the ~~fiscal body's~~ **county council's** records in ~~his the~~ **county auditor's** office;

(2) keep an accurate record of the ~~fiscal body's~~ **county council's** proceedings;

(3) record the ayes and nays on each vote appropriating money or fixing the rate of a tax levy; and

(4) record the ayes and nays on other votes when requested to do so by two (2) or more members.

(c) The county sheriff or a county police officer shall attend the meetings of the ~~fiscal body~~, **county council**, if requested by the ~~fiscal body~~, **county council**, and shall execute its orders.

(d) The ~~fiscal body~~ **county council** may employ legal and administrative personnel necessary to assist and advise it in the performance of its functions and duties.

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SECTION 26. IC 36-2-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) The ~~fiscal body~~ **county council** shall hold its meetings in the county seat, in the county auditor's office, or in another location provided by the county executive and approved by the ~~fiscal body~~ **county council**.

(b) The ~~fiscal body~~ **county council**:

- (1) shall hold a regular meeting in January after its election, for the purpose of organization and other business;
- (2) shall hold a regular meeting annually, as prescribed by IC 6-1.1-17, to adopt the county's annual budget and tax rate;
- (3) may hold a special meeting under subsection (c) or (d); and
- (4) in the case of a county subject to IC 36-2-3.5 shall hold meetings at a regularly scheduled time each month that does not conflict with the meetings of the county executive.

(c) A special meeting of the ~~fiscal body~~ **county council** may be called:

- (1) by the county auditor or the president of the ~~fiscal body~~ **county council**; or
- (2) by a majority of the members of the ~~fiscal body~~ **county council**.

At least forty-eight (48) hours before the meeting, the auditor, president, or members calling the meeting shall give written notice of the meeting to each member of the ~~fiscal body~~ **county council** and publish, at least one (1) day before the meeting, the notice in accordance with IC 5-3-1-4. This subsection does not apply to a meeting called to deal with an emergency under IC 5-14-1.5-5.

(d) If a court orders the county auditor to make an expenditure of county money for a purpose for which an appropriation has not been made, the auditor shall immediately call an emergency meeting of the ~~fiscal body~~ **county council** to discuss the matter. Notwithstanding subsection (c), the meeting must be held within three (3) working days of the receipt of the order by the auditor, and notice of the meeting day, time, and ~~places~~ **place** is sufficient if:

- (1) given by telephone to the members of the ~~fiscal body~~ **county council**; and
- (2) given according to IC 5-14-1.5.

SECTION 27. IC 36-2-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. A member of the ~~fiscal body~~ **county council** who purchases a bond, order, claim, or demand against the county for less than its face value shall forfeit it to the county and may not enforce it by legal action.

SECTION 28. IC 36-2-3-9 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. The ~~fiscal body~~
county council may:

- (1) expel any member for violation of an official duty;
- (2) declare the seat of any member vacant if ~~he the member~~ is
 unable or fails to perform the duties of ~~his the~~ office; and
- (3) adopt its own rules to govern proceedings under this section,
 but a two-thirds (2/3) vote is required to expel a member or vacate
~~his the member's~~ seat.

SECTION 29. IC 36-2-3-10 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 10. (a) The ~~fiscal body~~
county council may employ and fix the compensation of an attorney
 to represent and advise the ~~fiscal body~~. **county council.**

(b) For the purposes of Section 9, Article 2 of the Constitution of the
 State of Indiana, employment by a county ~~fiscal body~~ **council** as an
 attorney does not constitute a lucrative office.

SECTION 30. IC 36-2-3.5-1 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. **(a) Except as
 provided in subsection (b), this chapter applies to:**

- (1) a county having a population of:
 - (A) more than four hundred thousand (400,000) but less than
 seven hundred thousand (700,000); or
 - (B) more than two hundred thousand (200,000) but less than
 three hundred thousand (300,000); and
- (2) any other county not having a consolidated city, if both the
 county executive and the county fiscal body adopt identical
 ordinances providing for the county to be governed by this
 chapter beginning on a specified effective date.

**(b) This chapter does not apply to a county subject to
 IC 36-2-3.7.**

SECTION 31. IC 36-2-3.7 IS ADDED TO THE INDIANA CODE
 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 JULY 1, 2008]:

Chapter 3.7. County Council as the County Legislative Body

**Sec. 1. (a) This chapter applies to a county if the voters of the
 county approve a public question under IC 36-2-2.4.**

**(b) This chapter does not apply to a county having a
 consolidated city.**

**Sec. 2. As used in this chapter, "county executive" means the
 county executive of a county elected under IC 3-10-2-13 in a county
 subject to IC 36-2-2.5.**

**Sec. 3. The executive and legislative powers of a county are
 divided between separate branches of county government. A power**

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1 belonging to one (1) branch of county government may not be
2 exercised by the other branch of county government.

3 Sec. 4. (a) The county council elected under IC 36-2-3 is the
4 county legislative body as well as the county fiscal body.

5 (b) The county executive is the executive of the county. The
6 county executive has the executive and administrative powers and
7 duties of the county as provided in IC 36-2-2.5.

8 Sec. 5. (a) All powers and duties of the county that are legislative
9 in nature shall be exercised or performed by the county council
10 functioning as the county legislative body.

11 (b) The county council has the same legislative powers and
12 duties that the county board of commissioners in the county had
13 before the county board of commissioners was abolished.

14 Sec. 6. The county council may do any of the following:

15 (1) Establish committees that are necessary to carry out the
16 county council's functions.

17 (2) Employ legal and administrative personnel necessary to
18 carry out the county council's functions.

19 (3) Pass all ordinances, orders, resolutions, and motions for
20 the government of the county, in the manner prescribed by
21 IC 36-2-4.

22 (4) Receive gifts, bequests, and grants from public or private
23 sources.

24 (5) Conduct investigations into the conduct of county business
25 for the purpose of correcting deficiencies and ensuring
26 adherence to law and county ordinances and policies.

27 (6) Establish, by ordinance, new county departments,
28 divisions, or agencies whenever necessary to promote efficient
29 county government.

30 SECTION 32. IC 36-2-4-8 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) An ordinance,
32 order, or resolution is considered adopted when it is signed by the
33 presiding officer. If required, an adopted ordinance, order, or resolution
34 must be promulgated or published according to statute before it takes
35 effect.

36 (b) An ordinance prescribing a penalty or forfeiture for a violation
37 must, before it takes effect, be published once each week for two (2)
38 consecutive weeks, according to IC 5-3-1. However, if such an
39 ordinance is adopted by the legislative body of a county subject to
40 IC 36-2-3.5 or IC 36-2-3.7 and there is an urgent necessity requiring
41 its immediate effectiveness, it need not be published if:

42 (1) the county executive proclaims the urgent necessity; and

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(2) copies of the ordinance are posted in three (3) public places in each of the districts of the county before it takes effect.

(c) In addition to the other requirements of this section, an ordinance or resolution passed by the legislative body of a county subject to IC 36-2-3.5 **or IC 36-2-3.7** is considered adopted only if it is:

- (1) approved by signature of a majority of the county executive;
- (2) neither approved nor vetoed by a majority of the executive, within ten (10) days after passage by the legislative body; or
- (3) passed over the veto of the executive by a two-thirds (2/3) vote of the legislative body, within sixty (60) days after presentation of the ordinance or resolution to the executive.

(d) After an ordinance or resolution passed by the legislative body of a county subject to IC 36-2-3.5 **or IC 36-2-3.7** has been signed by the presiding officer, the county auditor shall present it to the county executive, and record the time of the presentation. Within ten (10) days after an ordinance or resolution is presented to it, the executive shall:

- (1) approve the ordinance or resolution, by signature of a majority of the executive, and send the legislative body a message announcing its approval; or
- (2) veto the ordinance or resolution, by returning it to the legislative body with a message announcing its veto and stating its reasons for the veto.

(e) This section does not apply to a zoning ordinance or amendment to a zoning ordinance, or a resolution approving a comprehensive plan, that is adopted under IC 36-7.

(f) An ordinance increasing a building permit fee on new development must:

- (1) be published:
 - (A) one (1) time in accordance with IC 5-3-1; and
 - (B) not later than thirty (30) days after the ordinance is adopted by the legislative body in accordance with IC 5-3-1; and
- (2) delay the implementation of the fee increase for ninety (90) days after the date the ordinance is published under subdivision (1).

SECTION 33. IC 36-2-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. Before the Thursday after the first Monday in August of each year, persons preparing budget estimates under this chapter shall present them to the county auditor, who shall file them in ~~his~~ **the county auditor's** office and make them available for inspection by county taxpayers. ~~The~~

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auditor shall also comply with the notice requirements of
~~IC 6-1.1-17-3.~~

SECTION 34. IC 36-4-7-6 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. Before the
 publication of notice of budget estimates required by ~~IC 6-1.1-17-3~~,
August 1, each city shall formulate a budget estimate for the ensuing
 budget year in the following manner:

(1) Each department head shall prepare for his department an
 estimate of the amount of money required for the ensuing budget
 year, stating in detail each category and item of expenditure he
 anticipates.

(2) The city fiscal officer shall prepare an itemized estimate of
 revenues available for the ensuing budget year, and shall prepare
 an itemized estimate of expenditures for other purposes above the
 money proposed to be used by the departments.

(3) The city executive shall meet with the department heads and
 the fiscal officer to review and revise their various estimates.

(4) After the executive's review and revision, the fiscal officer
 shall prepare for the executive a report of the estimated
 department budgets, miscellaneous expenses, and revenues
 necessary or available to finance the estimates.

SECTION 35. IC 36-5-3-3 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. Before the
 publication of notice of budget estimates required by ~~IC 6-1.1-17-3~~,
August 1, each town shall formulate a budget estimate for the ensuing
 budget year in the following manner, unless it provides by ordinance
 for a different manner:

(1) Each department head shall prepare for his department an
 estimate of the amount of money required for the ensuing budget
 year, stating in detail each category and item of expenditure he
 anticipates.

(2) The town fiscal officer shall prepare an itemized estimate of
 revenues available for the ensuing budget year, and shall prepare
 an itemized estimate of expenditures for other purposes above the
 money proposed to be used by the departments.

(3) The town executive shall meet with the department heads and
 the fiscal officer to review and revise their various estimates.

(4) After the executive's review and revision, the fiscal officer
 shall prepare for the executive a report of the estimated
 department budgets, miscellaneous expenses, and revenues
 necessary or available to finance the estimates.

SECTION 36. IC 36-7-15.1-26.9, AS AMENDED BY

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P.L.224-2007, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26.9. (a) The definitions set forth in section 26.5 of this chapter apply to this section.

(b) The fiscal officer of the consolidated city shall publish in the newspaper in the county with the largest circulation all determinations made under section 26.5 or 26.7 of this chapter that result in the allowance or disallowance of credits. The publication of a determination made under section 26.5 of this chapter shall be made not later than June 20 of the year in which the determination is made. The publication of a determination made under section 26.7 of this chapter shall be made not later than December 5 of the year in which the determination is made.

(c) If credits are granted under section 26.5(g) or 26.5(h) of this chapter, whether in whole or in part, property taxes on personal property (as defined in IC 6-1.1-1-11) that are equal to the aggregate amounts of the credits for all taxpayers in the allocation area under section 26.5(g) and 26.5(h) of this chapter shall be:

- (1) allocated to the redevelopment district;
- (2) paid into the special fund for that allocation area; and
- (3) used for the purposes specified in section 26 of this chapter.

(d) The county auditor shall adjust the estimate of assessed valuation that the auditor certifies under IC 6-1.1-17-1 for all taxing units in which the allocation area is located. The county auditor may amend this adjustment ~~at any time before the earliest date a taxing unit must publish the unit's proposed property tax rate under IC 6-1.1-17-3~~ **August 1** in the year preceding the year in which the credits under section 26.5(g) or 26.5(h) of this chapter are paid. The auditor's adjustment to the assessed valuation shall be:

- (1) calculated to produce an estimated assessed valuation that will offset the effect that paying personal property taxes into the allocation area special fund under subsection (c) would otherwise have on the ability of a taxing unit to achieve the taxing unit's tax levy in the following year; and
- (2) used by the county board of tax adjustment (before January 1, 2009) or the county board of tax and capital projects review (after December 31, 2008), the department of local government finance, and each taxing unit in determining each taxing unit's tax rate and tax levy in the following year.

(e) The amount by which a taxing unit's levy is adjusted as a result of the county auditor's adjustment of assessed valuation under subsection (d), and the amount of the levy that is used to make direct payments to taxpayers under section 26.5(h) of this chapter, is not part

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of the total county tax levy under IC 6-1.1-21-2(g) and is not subject to IC 6-1.1-20.

(f) The ad valorem property tax levy limits imposed by IC 6-1.1-18.5-3 and IC 20-45-3 do not apply to ad valorem property taxes imposed that are used to offset the effect of paying personal property taxes into an allocation area special fund during the taxable year under subsection (d) or to make direct payments to taxpayers under section 26.5(h) of this chapter. For purposes of computing the ad valorem property tax levy limits imposed under IC 6-1.1-18.5-3 and IC 20-45-3, a taxing unit's ad valorem property tax levy for a particular calendar year does not include that part of the levy imposed to offset the effect of paying personal property taxes into an allocation area special fund under subsection (d) or to make direct payments to taxpayers under section 26.5(h) of this chapter.

(g) Property taxes on personal property that are deposited in the allocation area special fund:

- (1) are subject to any pledge of allocated property tax proceeds made by the redevelopment district under section 26(d) of this chapter, including but not limited to any pledge made to owners of outstanding bonds of the redevelopment district of allocated taxes from that area; and
- (2) may not be treated as property taxes used to pay interest or principal due on debt under IC 6-1.1-21-2(g)(1)(D).

SECTION 37. IC 36-9-13-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. For purposes of this chapter, the following are considered the governing bodies of their respective eligible entities:

- (1) Board of commissioners, for a county not subject to IC 36-2-3.5 or IC 36-3-1.
- (2) County council, for a county subject to IC 36-2-3.5 **or IC 36-2-3.7.**
- (3) City-county council, for a consolidated city or county having a consolidated city.
- (4) Common council, for a city other than a consolidated city.
- (5) Town council, for a town.
- (6) Trustee and township board, for a civil or school township.
- (7) Board of school trustees, board of school commissioners, or school board, for a school corporation.
- (8) Board of trustees, for a health and hospital corporation.

SECTION 38. IC 36-12-3-12, AS AMENDED BY P.L.219-2007, SECTION 148, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) The library board shall

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determine the rate of taxation for the library district that is necessary for the proper operation of the library. The library board shall certify the rate to the county auditor. The county auditor shall certify the tax rate to the county tax adjustment board in the manner provided in IC 6-1.1. An additional rate may be levied under section 10(4) of this chapter.

(b) If the library board fails to:

(1) give:

(A) a first published notice to the board's taxpayers of the board's proposed budget and tax levy for the ensuing year at ~~least ten (10) days before the public hearing required under IC 6-1.1-17-3;~~ **before August 1;** and

(B) a second published notice to the board's taxpayers of the board's proposed budget and tax levy for the ensuing year at ~~least three (3) days before the public hearing required under IC 6-1.1-17-3;~~ **before August 10;** or

(2) finally adopt the budget and fix the tax levy not later than September 30;

the last preceding annual appropriation made for the public library is renewed for the ensuing year, and the last preceding annual tax levy is continued. Under this subsection, the treasurer of the library board shall report the continued tax levy to the county auditor not later than September 30.

SECTION 39. [EFFECTIVE JULY 1, 2008] (a) The legislative services agency shall prepare legislation for introduction in the 2009 regular session of the general assembly to organize and correct statutes affected by this act, if necessary.

(b) This SECTION expires December 31, 2009.

SECTION 40. An emergency is declared for this act.

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SENATE MOTION

Madam President: I move that Senator Broden be added as second author of Senate Bill 312.

BOOTS

SENATE MOTION

Madam President: I move that Senator Wyss be added as coauthor of Senate Bill 312.

BOOTS

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government and Elections, to which was referred Senate Bill No. 312, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 9, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 10. IC 36-2-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. ~~(a)~~ The ~~seven (7)~~ ~~member~~ county council elected under this chapter is the county fiscal body **and the county legislative body as provided in IC 36-2-3.7.** The fiscal body shall act in the name of "The _____ County Council".

~~(b) Notwithstanding subsection (a), in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000), the county council has nine (9) members.~~

SECTION 11. IC 36-2-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) The ~~fiscal body~~ **county council** shall be elected under IC 3-10-2-13. Except in a county having only single member districts, members elected from districts and at large members, respectively, ~~are to~~ **shall** be elected in alternate, succeeding general elections under ~~section 4~~ of this chapter. In a county having only single member districts, the terms of the members are staggered as was provided by law before September 1, 1980.

(b) The term of office of a member of the ~~fiscal body~~ **county council** is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.



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SECTION 12. IC 36-2-3-4, AS AMENDED BY P.L.230-2005, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) This subsection does not apply to a county having a population of:

- (1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or
- (2) more than two hundred thousand (200,000) but less than three hundred thousand (300,000).

The county executive shall, by ordinance, divide the county into four (4) contiguous, single-member districts that comply with subsection (d). If necessary, the county auditor shall call a special meeting of the executive to establish or revise districts. One (1) member of the ~~fiscal body~~ **county council** shall be elected by the voters of each of the four (4) districts. ~~Three (3)~~ **Five (5)** at-large members of the ~~fiscal body~~ **county council** shall be elected by the voters of the whole county.

(b) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The county redistricting commission established under IC 36-2-2-4 shall divide the county into seven (7) single-member districts that comply with subsection (d). One (1) member of the ~~fiscal body~~ **county council** shall be elected by the voters of each of these seven (7) single-member districts.

(c) This subsection applies to a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000). The ~~fiscal body~~ **county council** shall divide the county into nine (9) single-member districts that comply with subsection (d). Three (3) of these districts must be contained within each of the three (3) districts established under IC 36-2-2-4(c). One (1) member of the ~~fiscal body~~ **county council** shall be elected by the voters of each of these nine (9) single-member districts.

(d) Single-member districts established under subsection (a), (b), or (c) must:

- (1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);
- (2) not cross precinct boundary lines;
- (3) contain, as nearly as possible, equal population; and
- (4) include whole townships, except when a division is clearly necessary to accomplish redistricting under this section.

(e) A division under subsection (a), (b), or (c) shall be made:

- (1) during the first year after a year in which a federal decennial census is conducted; and

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(2) when the county executive adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

(f) A division under subsection (a), (b), or (c) may be made in any odd-numbered year not described in subsection (e).

SECTION 13. IC 36-2-3-4.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4.7. (a) Whenever the county executive or the county fiscal body divides the county into districts under section 4 of this chapter, the county executive or the county ~~fiscal body~~ **council** shall adopt an ordinance.

(b) The county executive or the county ~~fiscal body~~ **council** shall file a copy of an ordinance adopted under subsection (a) with the circuit court clerk.

SECTION 14. IC 36-2-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) To be eligible to serve as a member of the ~~fiscal body~~, **county council**, a person must meet the qualifications prescribed by IC 3-8-1-22.

(b) A member of the ~~fiscal body~~ **county council** must reside within:

- (1) the county as provided in Article 6, Section 6 of the Constitution of the State of Indiana; and
- (2) the district from which the member was elected, if applicable.

(c) A member who fails to comply with subsection (b) forfeits the office.

SECTION 15. IC 36-2-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) At its regular meeting required by section 7(b)(1) of this chapter, the ~~fiscal body~~ **county council** shall elect a president and president pro tempore from its members.

(b) The county auditor is the clerk of the ~~fiscal body~~ **county council** and shall:

- (1) preserve the ~~fiscal body's~~ **county council's** records in ~~his the~~ **county auditor's** office;
- (2) keep an accurate record of the ~~fiscal body's~~ **county council's** proceedings;
- (3) record the ayes and nays on each vote appropriating money or fixing the rate of a tax levy; and
- (4) record the ayes and nays on other votes when requested to do so by two (2) or more members.

(c) The county sheriff or a county police officer shall attend the meetings of the ~~fiscal body~~, **county council**, if requested by the ~~fiscal body~~, **county council**, and shall execute its orders.

(d) The ~~fiscal body~~ **county council** may employ legal and administrative personnel necessary to assist and advise it in the

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performance of its functions and duties.

SECTION 16. IC 36-2-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) The ~~fiscal body~~ **county council** shall hold its meetings in the county seat, in the county auditor's office, or in another location provided by the county executive and approved by the ~~fiscal body~~ **county council**.

(b) The ~~fiscal body~~ **county council**:

- (1) shall hold a regular meeting in January after its election, for the purpose of organization and other business;
- (2) shall hold a regular meeting annually, as prescribed by IC 6-1.1-17, to adopt the county's annual budget and tax rate;
- (3) may hold a special meeting under subsection (c) or (d); and
- (4) in the case of a county subject to IC 36-2-3.5 **before January 1, 2011**, shall hold meetings at a regularly scheduled time each month that does not conflict with the meetings of the county executive.

(c) A special meeting of the ~~fiscal body~~ **county council** may be called:

- (1) by the county auditor or the president of the ~~fiscal body~~ **county council**; or
- (2) by a majority of the members of the ~~fiscal body~~ **county council**.

At least forty-eight (48) hours before the meeting, the auditor, president, or members calling the meeting shall give written notice of the meeting to each member of the ~~fiscal body~~ **county council** and publish, at least one (1) day before the meeting, the notice in accordance with IC 5-3-1-4. This subsection does not apply to a meeting called to deal with an emergency under IC 5-14-1.5-5.

(d) If a court orders the county auditor to make an expenditure of county money for a purpose for which an appropriation has not been made, the auditor shall immediately call an emergency meeting of the ~~fiscal body~~ **county council** to discuss the matter. Notwithstanding subsection (c), the meeting must be held within three (3) working days of the receipt of the order by the auditor, and notice of the meeting day, time, and ~~places~~ **place** is sufficient if:

- (1) given by telephone to the members of the ~~fiscal body~~ **county council**; and
- (2) given according to IC 5-14-1.5.

SECTION 17. IC 36-2-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. A member of the ~~fiscal body~~ **county council** who purchases a bond, order, claim, or demand against the county for less than its face value shall forfeit it to

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the county and may not enforce it by legal action.

SECTION 18. IC 36-2-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. The ~~fiscal body~~ **county council** may:

- (1) expel any member for violation of an official duty;
- (2) declare the seat of any member vacant if ~~he~~ **the member** is unable or fails to perform the duties of ~~his~~ **the** office; and
- (3) adopt its own rules to govern proceedings under this section, but a two-thirds (2/3) vote is required to expel a member or vacate ~~his~~ **the member's** seat.

SECTION 19. IC 36-2-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 19. (a) The ~~fiscal body~~ **county council** may employ and fix the compensation of an attorney to represent and advise the ~~fiscal body~~ **county council**.

(b) For the purposes of Section 9, Article 2 of the Constitution of the State of Indiana, employment by a county ~~fiscal body~~ **council** as an attorney does not constitute a lucrative office."

Page 11, delete lines 38 through 42.

Delete page 12.

Page 13, delete lines 1 through 38.

Page 14, after line 28, begin a new paragraph and insert:

"SECTION 31. [EFFECTIVE JULY 1, 2008] (a) **Except as provided in subsection (b), this SECTION applies to a county.**

(b) **This SECTION does not apply to the following counties:**

- (1) **A county that has a consolidated city.**
- (2) **A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).**
- (3) **A county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000).**

(c) **Notwithstanding any other provision, in a county subject to this SECTION the two (2) at large members of the county council added under IC 36-2-3-4, as amended by this act, shall be elected at the November 2010 general election. The term of office of the members:**

- (1) **is four (4) years; and**
- (2) **begins January 1, 2011.**

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(d) This SECTION expires July 1, 2012."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 312 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 6, Nays 4.

SENATE MOTION

Madam President: I move that Senators Young R Michael and Delph be added as coauthors of Engrossed Senate Bill 312.

BOOTS

SENATE MOTION

Madam President: I move that Senate Bill 312 be amended to read as follows:

Page 1, line 10, delete "after December" and insert ",".

Page 1, line 11, delete "31, 2010,".

Page 3, line 7, delete "(for elections before 2010)." and insert ".".

Page 3, line 8, delete "(as provided in" and insert **", in the case of a county subject to"**.

Page 3, line 9, delete "for elections in 2010 and thereafter)." and insert ".".

Page 4, line 24, delete "(for elections before 2010)." and insert ".".

Page 4, line 25, delete "(as provided in IC 36-2-2.5" and insert **", in the case of a county subject to IC 36-2-2.5."**

Page 4, delete line 26.

Page 5, line 28, delete "(for elections before 2010)." and insert ".".

Page 5, line 29, delete "(as provided in" and insert **", in the case of a county subject to"**.

Page 5, line 30, delete "for elections in 2010 and thereafter)." and insert ".".

Page 6, line 16, delete "after December 31, 2010," and insert **"in the case of a county subject to IC 36-2-2.5,"**.

Page 6, line 22, delete "before January 1, 2011,".

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Page 6, line 24, delete "(before".

Page 6, line 25, delete "January 1, 2011)".

Page 6, line 25, delete "(after December 31, 2010);" and insert ";".

Page 6, delete lines 35 through 42.

Page 7, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 7. IC 36-2-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. This chapter applies to all counties ~~not~~ **except the following**:

(1) **A county** having a consolidated city.

(2) **A county subject to IC 36-2-2.5.**

SECTION 8. IC 36-2-2.4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 2.4. Local Public Question on County Government

Sec. 1. (a) This chapter does not apply to a county having a consolidated city.

(b) This subsection applies to a county that is not subject to IC 36-2-3.5. The county election board in a county shall place the following question on the ballot in the county at the 2010 general election:

"Shall _____ (insert the name of the county) County adopt Indiana law so that:

(1) the county executive consists of one (1) person elected by the voters of the county instead of three (3) persons elected by the voters of the county;

(2) the county council consists of nine (9) persons, of whom four (4) persons are elected by voters who reside in a district, five (5) members elected by voters of the county, instead of seven (7) persons, four (4) of whom are elected by voters who reside in a district, three (3) of whom are elected by voters of the county?; and

(3) the county council serves as the county legislative body and the county fiscal body?."

(c) This subsection applies to a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000). The county election board in a county shall place the following question on the ballot in the county at the 2010 general election:

"Shall _____ (insert the name of the county) County adopt Indiana law so that:

(1) the county executive consists of one (1) person elected by the voters of the county instead of three (3) persons elected by

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the voters of the county; and

(2) the county council consists of nine (9) persons, of whom four (4) persons are elected by voters who reside in a district, five (5) members elected by voters of the county, instead of nine (9) persons, nine (9) of whom are elected by voters who reside in a district?".

(d) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The county election board in a county shall place the following question on the ballot in the county at the 2010 general election:

"Shall _____ (insert the name of the county) County adopt Indiana law so that:

(1) the county executive consists of one (1) person elected by the voters of the county instead of three (3) persons elected by the voters of the county; and

(2) the county council consists of nine (9) persons, of whom four (4) persons are elected by voters who reside in a district, five (5) members elected by voters of the county, instead of seven (7) persons, seven (7) of whom are elected by voters who reside in a district?".

(e) A public question under this section must be certified in accordance with IC 3-10-9-3 and shall be placed on the ballot in accordance with IC 3-10-9.

(f) The circuit court clerk of a county holding an election under this section shall certify the results determined under IC 3-12-4-9 to each of the following:

- (1) The secretary of state.
- (2) The state board of accounts.
- (3) The department of local government finance.

Sec. 2. If the voters of a county approve a public question under section 1 of this chapter, the following apply:

- (1) The county executive consists of one (1) individual.
- (2) IC 36-2-2.5 applies in the county instead of IC 36-2-2.
- (3) The county may not subsequently be governed by IC 36-2-2.
- (4) The county executive shall be elected at the 2012 general election.
- (5) The term of office of each member of the county executive elected under IC 36-2-2 expires at the end of the day on December 31, 2012.
- (6) The county council consists of nine (9) members, four of

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whom are elected from single member districts, five (5) of whom are elected at-large.

(7) The county is subject to IC 36-2-3.7.

(8) This subdivision applies only to a county described in section 1(c) or 1(d) of this chapter. The term of office of each member of the county council expires at the end of the day on December 31, 2012. The nine (9) members of the county council shall be elected at the 2012 general election. The initial terms of the members shall be as follows:

(A) Two (2) members elected from single-member districts and two (2) members elected at-large shall serve two (2) year terms beginning January 1, 2013, and expiring at the end of the day on December 31, 2014. The successors of the members shall be elected at the 2014 general election and shall serve four (4) year terms.

(B) Two (2) members elected from single-member districts and three (3) members elected at-large shall serve four (4) year terms beginning January 1, 2013, and expiring at the end of the day on December 31, 2016. The successors of the members shall be elected at the 2016 general election and shall serve four (4) year terms.

(9) This subdivision applies only to a county described in section 1(b) of this chapter. The eighth and ninth members of the council shall be elected at the 2012 general election for four (4) year terms.

Sec. 3. (a) If the voters of a county disapprove a public question, the voters of the county may file a written petition with the circuit court clerk of the county requesting that a local public question applicable to the county under section 1 of this chapter, be placed on the ballot for the next general election. The petition must:

- (1) be signed by at least five percent (5%) of the voters of the county, as determined by the vote cast in the county for secretary of state at the most recent general election;
- (2) state the public question that applies to the county under section 1 of this chapter; and
- (3) be substantially in the form prescribed by the department of local government finance.

The circuit court clerk shall certify the petition to the county council of the county.

(b) If the requirements in subsection (a) are satisfied, the county election board shall place the local public question on the ballot in the county during the next general election.

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(c) If the voters of the county approve the public question, the following apply:

- (1) The county executive consists of one (1) individual.
- (2) IC 36-2-2.5 applies in the county instead of IC 36-2-2.
- (3) The county may not subsequently be governed by IC 36-2-2.
- (4) The county executive shall be elected at the next general election.
- (5) The term of office of each member of the county executive elected under IC 36-2-2 expires at the end of the day on December 31 following the next general election.
- (6) The county council consists of nine (9) members, four of whom are elected from single member districts, five (5) of whom are elected at-large.
- (7) The county is subject to IC 36-2-3.7.
- (8) This subdivision applies only to a county described in section 1(c) or 1(d) of this chapter. The term of office of each member of the county council expires at the end of the day on December 31 following the next general election. The nine (9) members of the county council shall be elected at the next general election. The initial terms of the members shall be as follows:
 - (A) Two (2) members elected from single member districts and two (2) members elected at-large shall serve two (2) year terms beginning the January 1 following the next general election and expiring at the end of the day on December 31. The successors of the members shall be elected at a general election and shall serve four (4) year terms.
 - (B) Two (2) members elected from single-member districts and three (3) members elected at-large shall serve four (4) year terms beginning the January 1 following the next general election and expiring at the end of the day on December 31. The successors of the members shall be elected at a general election and shall serve four (4) year terms.
- (9) This subdivision applies only to a county described in section 1(b) of this chapter. The eighth and ninth members of the council shall be elected at the next general election for four (4) year terms."

Page 7, delete lines 22 through 24, begin a new paragraph and insert:

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"Sec. 1. (a) This chapter applies to a county if the voters of the county approve a public question under IC 36-2-2.4.

(b) This chapter does not apply to a county having a consolidated city."

Page 7, line 26, delete "in 2010 and".

Page 7, line 27, delete "thereafter." and insert ".".

Page 7, delete lines 28 through 36.

Page 7, line 37, delete "4." and insert "3."

Page 7, line 42, delete "After December 31, 2010, any" and insert "Any".

Page 8, line 4, after "county" insert "governed by this chapter,".

Page 8, line 6, delete "After December 31, 2010, any" and insert "Any".

Page 8, line 13, delete "5." and insert "4."

Page 9, line 11, delete "6." and insert "5."

Page 9, line 20, delete "7." and insert "6."

Page 9, line 23, delete "8." and insert "7."

Page 10, delete lines 5 through 42, begin a new paragraph and insert:

"SECTION 12. IC 36-2-3-4, AS AMENDED BY P.L.230-2005, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) This subsection does not apply to a county having a population of:

(1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(2) more than two hundred thousand (200,000) but less than three hundred thousand (300,000).

This subsection does not apply to a county that approves a public question under IC 36-2-2.4. The county executive shall, by ordinance, divide the county into four (4) contiguous, single-member districts that comply with subsection (d). If necessary, the county auditor shall call a special meeting of the executive to establish or revise districts. One (1) member of the ~~fiscal body~~ **county council** shall be elected by the voters of each of the four (4) districts. Three (3) at-large members of the fiscal body shall be elected by the voters of the whole county.

(b) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) **that does not approve a public question under IC 36-2-2.4.** The county redistricting commission established under IC 36-2-2-4 shall divide the county into seven (7) single-member districts that comply with subsection (d). One (1) member of the ~~fiscal body~~ **county council** shall be elected by the voters of each of these

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seven (7) single-member districts.

(c) This subsection applies to a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000) **that does not approve a public question under IC 36-2-2.4.** The ~~fiscal body~~ **county council** shall divide the county into nine (9) single-member districts that comply with subsection (d). Three (3) of these districts must be contained within each of the three (3) districts established under IC 36-2-2-4(c). One (1) member of the ~~fiscal body~~ **county council** shall be elected by the voters of each of these nine (9) single-member districts.

(d) Single-member districts established under subsection (a), (b), or (c) must:

- (1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);
- (2) not cross precinct boundary lines;
- (3) contain, as nearly as possible, equal population; and
- (4) include whole townships, except when a division is clearly necessary to accomplish redistricting under this section.

(e) A division under subsection (a), (b), or (c) shall be made:

- (1) during the first year after a year in which a federal decennial census is conducted; and
- (2) when the county executive adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

(f) A division under subsection (a), (b), or (c) may be made in any odd-numbered year not described in subsection (e).

SECTION 13. IC 36-2-3-4.6 IS ADDED TO THE INDIANA CODE AS NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 4.6. (a) If a local public question is approved by the voters of a county under IC 36-2-2.4:**

- (1) **this section applies to the county; and**
- (2) **section 4 of this chapter does not apply to the county.**

(b) The county shall be divided into four (4) single-member districts that comply with subsection (c) by the following:

- (1) **The county council. If necessary, the county auditor shall call a special meeting of the county council to establish or revise districts.**
- (2) **The county redistricting commission established under IC 36-2-2-4 in the case of a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).**

One (1) member of the county council shall be elected by the voters

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of each of the four (4) districts. Five (5) at-large members of the county council shall be elected by the voters of the whole county.

(c) Single-member districts established under subsection (b) must:

- (1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);
- (2) not cross precinct boundary lines;
- (3) contain, as nearly as possible, equal population; and
- (4) include whole townships, except when a division is clearly necessary to accomplish redistricting under this section.

(d) A division under subsection (b) shall be made:

- (1) during the first year after a year in which a federal decennial census is conducted; and
- (2) when the county executive adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

(e) A division under subsection (b) may be made in any odd-numbered year not described in subsection (d)."

Page 11, delete lines 1 through 8.

Page 13, delete lines 22 through 24, begin a new paragraph and insert:

"SECTION 21. IC 36-2-3.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) **Except as provided in subsection (b),** this chapter applies to:

- (1) a county having a population of:
 - (A) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or
 - (B) more than two hundred thousand (200,000) but less than three hundred thousand (300,000); and
- (2) any other county not having a consolidated city, if both the county executive and the county fiscal body adopt identical ordinances providing for the county to be governed by this chapter beginning on a specified effective date.

(b) **This chapter does not apply to a county subject to IC 36-2-2.5.**"

Page 13, delete lines 29 through 30, begin a new paragraph and insert:

"Sec. 1. (a) **This chapter applies to a county if the voters of the county approve a public question under IC 36-2-2.4.**

(b) **This chapter does not apply to a county having a consolidated city.**"

Page 14, line 34, delete "(before January 1, 2011)".

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Page 14, line 34, delete "(after".
 Page 14, line 35, delete "December 31, 2010)".
 Page 14, line 42, delete "(before January 1, 2011)".
 Page 14, line 42, delete "(after".
 Page 15, line 1, delete "December 31, 2010)".
 Page 15, line 9, delete "(before January 1, 2011)".
 Page 15, line 10, delete "(after December 31, 2010)".
 Page 15, line 38, delete "(before January 1, 2011)".
 Page 15, line 39, delete "(before".
 Page 15, line 40, delete "January 1, 2011)".
 Page 15, line 40, delete "(after December 31, 2010)." and insert ".".
 Page 16, delete lines 12 through 40.
 Renumber all SECTIONS consecutively.

(Reference is to SB 312 as printed January 25, 2008.)

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 312, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 11, delete "chief executive officer" and insert "**county executive**".

Page 3, line 7, delete "chief".

Page 3, line 7, after "executive" insert ",".

Page 3, line 7, delete "officer,".

Page 4, line 24, delete "chief".

Page 4, line 24, after "executive" insert ",".

Page 4, line 24, delete "officer,".

Page 5, line 28, delete "chief".

Page 5, line 28, after "executive" insert ",".

Page 5, line 28, delete "officer,".

Page 6, line 16, delete "chief executive officer" and insert "**county executive**".

Page 6, between lines 33 and 34, begin a new paragraph and insert:
 "SECTION 7. IC 36-2-1-2 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) If the resident
 voters in a specified territory in two (2) or more contiguous counties

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desire to change the boundaries of their respective counties, they may file a petition with the executives of their respective counties requesting that the territory be transferred. The petition must:

- (1) be signed by at least the number of voters resident in the territory requested to be transferred required to place a candidate on the ballot under IC 3-8-6-3;
- (2) contain a clear, distinct description of the requested boundary change; and
- (3) not propose to decrease the area of any county below four hundred (400) square miles in compliance with Article 15, Section 7 of the Constitution of the State of Indiana.

(b) Whenever a petition under subsection (a) is filed with a county executive, the executive shall determine, at its first meeting after the petition is filed:

- (1) whether the signatures on the petition are genuine; and
- (2) whether the petition complies with subsection (a).

(c) If the determinations under subsection (b) are affirmative, the executive shall certify the question to the county election board of each affected county. The county election boards shall jointly order a special election to be held, scheduling the election so that the election is held on the same date in each county interested in the change, but not later than thirty (30) days and not on the same date as a general election. The election shall be conducted under IC 3-10-8-6. All voters of each interested county are entitled to vote on the question. The question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state "Shall the boundaries of _____ County and _____ County change?".

(d) After an election under subsection (c), the clerk of each county shall make a certified copy of the election returns and not later than five (5) days after the election file the copy with the auditor of the county. The auditor shall, not later than five (5) days after the filing of the returns in the auditor's office, make a true and complete copy of the returns, certified under the auditor's hand and seal, and deposit the copy with the auditor of every other county interested in the change.

(e) After copies have been filed under subsection (d), the auditor of each county shall call a meeting of the executive of the county, which shall examine the returns. If a majority of the voters of each interested county voted in favor of change, the executive shall:

- (1) enter an order declaring their boundaries to be changed as described in the petition; and
- (2) if the county has received territory from the transfer, adopt revised descriptions of:

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(A) county commissioner districts under IC 36-2-2-4; and

(B) county council districts under IC 36-2-3-4;

so that the transferred territory is assigned to at least one (1) county commissioner district and at least one (1) county council district. **If IC 36-2-3.7 is applicable to a county, the county council shall establish the county council districts under IC 36-2-3-4.6.**

(f) The executive of each county shall file a copy of the order described in subsection (e)(1) with:

(1) the office of the secretary of state; and

(2) the circuit court clerk of the county.

Except as provided in subsection (g), the transfer of territory becomes effective when the last county order is filed under this subsection.

(g) An order declaring county boundaries to be changed may not take effect during the year preceding a year in which a federal decennial census is conducted. An order that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 2 of the year in which a federal decennial census is conducted.

(h) An election under this section may be held only once every three (3) years."

Page 6, line 42, delete "Local Public Question on County Government" and insert **"Reorganization of County Executive and Legislative Structure and Powers"**.

Page 7, line 1, delete "(a)".

Page 7, delete lines 3 through 42, begin a new paragraph and insert:

"Sec. 2. (a) Subject to subsection (b), the county executive may adopt an ordinance to reorganize the executive and legislative structure and functions of the county as provided in this chapter.

(b) An ordinance adopted under this section must be adopted before July 1 of an even-numbered year.

Sec. 3. The county executive shall certify the adoption of the ordinance to the county election board as provided in IC 3-10-9.

Sec. 4. The county election board shall place the following public question on the ballot at the next general election held in the county:

"Shall the county government of (insert the name of the county) County be reorganized to place all executive powers in a single elected county executive and to place all legislative powers in the county council?"

Sec. 5. IC 3, except where inconsistent with this chapter, applies to a public question placed on the ballot under this chapter.

Sec. 6. If a majority of the voters who vote on the public

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question vote in favor of the public question, the following apply:

- (1) IC 36-2-2.5 applies to the county instead of IC 36-2-2.
- (2) The county executive consists of one (1) individual.
- (3) The county may not subsequently be governed under IC 36-2-2.
- (4) The county executive described in subdivision (2) shall:
 - (A) be elected at the second general election held after the year the ordinance is adopted; and
 - (B) take office January 1 after the individual's election.
- (5) The term of office of each member of the county executive elected under IC 36-2-2 is as follows:
 - (A) The term of a member elected at the general election held in the year the public question is approved:
 - (i) is four (4) years; and
 - (ii) expires at the end of the day on December 31 after the election described in subdivision (4).
 - (B) The term of a member elected at the first general election held after the year the public question is approved:
 - (i) is two (2) years; and
 - (ii) expires at the end of the day on December 31 after the election described in subdivision (4).
- (6) IC 36-2-3.7 applies to the county."

Delete pages 8 through 9.

Page 10, delete lines 1 through 26.

Page 10, line 30, delete "County Chief Executive Officer" and insert **"Single Member County Executive"**.

Page 10, line 35, delete "'chief executive officer'" and insert **"'county executive'"**.

Page 10, line 36, delete "chief executive officer" and insert **"county executive"**.

Page 10, line 40, delete "chief executive officer" and insert **"county executive"**.

Page 11, line 6, delete ",".

Page 11, line 6, delete "chief" and insert **"county executive"**.

Page 11, line 7, delete "executive officer".

Page 11, line 10, delete "chief executive officer" and insert **"county executive"**.

Page 11, line 14, delete "chief executive officer" and insert **"county executive"**.

Page 11, line 16, delete "legislative body" and insert **"council"**.

Page 11, line 19, delete "legislative body" and insert **"council"**.

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Page 11, line 19, delete "chief executive" and insert "**county executive**".

Page 11, line 20, delete "officer".

Page 11, line 22, delete "legislative body" and insert "**council**".

Page 11, line 25, delete "chief executive" and insert "**county executive's**".

Page 11, line 26, delete "officer's".

Page 11, line 42, delete "legislative body" and insert "**council**".

Page 12, line 8, delete "legislative body" and insert "**council**".

Page 12, line 8, delete "7" and insert "6".

Page 12, line 11, delete "chief executive officer" and insert "**county executive**".

Page 12, line 12, delete "chief executive officer" and insert "**county executive**".

Page 12, line 13, delete "chief" and insert "**county executive's**".

Page 12, line 14, delete "executive officer's".

Page 12, line 15, delete "chief" and insert "**county executive's**".

Page 12, line 16, delete "executive officer's".

Page 12, line 21, delete "Notwithstanding IC 36-2-2-1(b), the chief" and insert "**The county**".

Page 12, line 22, delete "officer".

Page 12, line 23, delete "legislative body" and insert "**council**".

Page 12, line 26, delete "a chief executive officer" and insert "**the county executive**".

Page 12, line 31, delete "as provided in IC 36-2-3.7." and insert "**if IC 36-2-3.7 applies to the county.**".

Page 13, delete lines 6 through 42, begin a new paragraph and insert:

"SECTION 13. IC 36-2-3-4, AS AMENDED BY P.L.230-2005, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) **This section does not apply to a county if IC 36-3-3.7 applies to the county.**

(b) This subsection does not apply to a county having a population of:

- (1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or
- (2) more than two hundred thousand (200,000) but less than three hundred thousand (300,000).

The county executive shall, by ordinance, divide the county into four (4) contiguous, single-member districts that comply with subsection ~~(d)~~: (e). If necessary, the county auditor shall call a special meeting of the executive to establish or revise districts. One (1) member of the

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~~fiscal body~~ **county council** shall be elected by the voters of each of the four (4) districts. Three (3) at-large members of the ~~fiscal body~~ **county council** shall be elected by the voters of the whole county.

~~(b)~~ **(c)** This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The county redistricting commission established under IC 36-2-2-4 shall divide the county into seven (7) single-member districts that comply with subsection ~~(d)~~; **(e)**. One (1) member of the ~~fiscal body~~ **county council** shall be elected by the voters of each of these seven (7) single-member districts.

~~(c)~~ **(d)** This subsection applies to a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000). The ~~fiscal body~~ **county council** shall divide the county into nine (9) single-member districts that comply with subsection (d). Three (3) of these districts must be contained within each of the three (3) districts established under IC 36-2-2-4(c). One (1) member of the ~~fiscal body~~ **county council** shall be elected by the voters of each of these nine (9) single-member districts.

~~(d)~~ **(e)** Single-member districts established under subsection ~~(a)~~; (b), (c), or ~~(c)~~ **(d)** must:

- (1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);
- (2) not cross precinct boundary lines;
- (3) contain, as nearly as possible, equal population; and
- (4) include whole townships, except when a division is clearly necessary to accomplish redistricting under this section.

~~(e)~~ **(f)** A division under subsection ~~(a)~~; (b), (c), or ~~(c)~~ **(d)** shall be made:

- (1) during the first year after a year in which a federal decennial census is conducted; and
- (2) when the county executive adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

~~(f)~~ **(g)** A division under subsection ~~(a)~~; (b), (c), or ~~(c)~~ **(d)** may be made in ~~any odd-numbered year at a time~~ not described in subsection ~~(e)~~; **(f)** only to make districts comply with subsection (e).

SECTION 14. IC 36-2-3-4.6 IS ADDED TO THE INDIANA CODE AS NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 4.6. (a) If IC 36-2-3.7 applies to the county:**

- (1) this section applies to the county; and**
 - (2) section 4 of this chapter does not apply to the county.**
- (b) Except as provided in subsections (c) and (d), the county**

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council shall divide the county into four (4) single-member districts that comply with subsection (e). If necessary, the county auditor shall call a special meeting of the county council to establish or revise districts. One (1) member of the county council shall be elected by the voters of each of the four (4) districts. Three (3) at-large members of the county council shall be elected by all the voters of the county.

(c) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The county redistricting commission established under IC 36-2-2-4 shall divide the county into seven (7) single-member districts that comply with subsection (e). One (1) member of the county council shall be elected by the voters of each of these seven (7) single-member districts.

(d) This subsection applies to a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000). The county council shall divide the county into nine (9) single-member districts that comply with subsection (d). Three (3) of the districts must be contained within each of the three (3) districts established under IC 36-2-2-4(c). One (1) member of the county council shall be elected by the voters of each of these nine (9) single-member districts.

(e) Single-member districts established under this section must:

- (1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);
- (2) not cross precinct boundary lines;
- (3) contain, as nearly as possible, equal population; and
- (4) include whole townships, except when a division is clearly necessary to accomplish redistricting under this section.

(f) A division under this section shall be made:

- (1) during the first year after a year in which a federal decennial census is conducted; and
- (2) when the county executive adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

(g) A division under this section may be made at a time not described in subsection (f) only to make districts comply with subsection (e)."

Delete page 14.

Page 15, delete lines 1 through 4.

Page 15, line 7, strike "fiscal body" and insert "council".

Page 15, line 8, strike "section 4 of".

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Page 16, line 13, delete "before January".

Page 16, line 14, delete "1, 2011,".

Page 17, line 12, delete "19." and insert "10.".

Page 17, line 31, delete "IC 36-2-2.5." and insert "**IC 36-2-3.7.**".

Page 17, line 40, delete ""chief executive officer"" and insert ""**county executive**"".

Page 17, line 41, delete "chief executive officer" and insert "**county executive**".

Page 18, line 7, delete "chief executive officer" and insert "**county executive**".

Page 18, line 7, delete "county".

Page 18, line 8, delete "chief executive officer of the".

Page 18, line 8, after "county" insert "**executive**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 312 as reprinted January 29, 2008.)

PIERCE, Chair

Committee Vote: yeas 10, nays 0.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 312 be amended to read as follows:

Page 6, between lines 3 and 4, begin a new paragraph and insert:

SECTION 5. IC 5-3-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) This section applies only when notice of an event is required to be given by publication in accordance with IC 5-3-1.

(b) If the event is a public hearing or meeting concerning any matter not specifically mentioned in subsection (c), (d), (e), (f), (g), or (h) notice shall be published one (1) time, at least ten (10) days before the date of the hearing or meeting.

(c) If the event is an election, notice shall be published one (1) time, at least ten (10) days before the date of the election.

(d) If the event is a sale of bonds, notes, or warrants, notice shall be published two (2) times, at least one (1) week apart, with:

(1) the first publication made at least fifteen (15) days before the date of the sale; and

(2) the second publication made at least three (3) days before the

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date of the sale.

(e) If the event is the receiving of bids, notice shall be published two (2) times, at least one (1) week apart, with the second publication made at least seven (7) days before the date the bids will be received.

(f) If the event is the establishment of a cumulative or sinking fund, notice of the proposal and of the public hearing that is required to be held by the political subdivision shall be published two (2) times, at least one (1) week apart, with the second publication made at least three (3) days before the date of the hearing.

(g) If the event is the submission of a proposal adopted by a political subdivision for a cumulative or sinking fund for the approval of the department of local government finance, the notice of the submission shall be published one (1) time. The political subdivision shall publish the notice when directed to do so by the department of local government finance.

(h) If the event is the required publication of an ordinance, notice of the passage of the ordinance shall be published one (1) time within thirty (30) days after the passage of the ordinance.

(i) If the event is one about which notice is required to be published after the event, notice shall be published one (1) time within thirty (30) days after the date of the event.

(j) If the event is anything else, notice shall be published two (2) times, at least one (1) week apart, with the second publication made at least three (3) days before the event.

(k) In case any officer charged with the duty of publishing any notice required by law is unable to procure advertisement at the price fixed by law, or the newspaper refuses to publish the advertisement, it is sufficient for the officer to post printed notices in three (3) prominent places in the political subdivision, instead of advertisement in newspapers.

(l) If a notice of budget estimates for a political subdivision is published as required in IC 6-1.1-17-3, and the published notice contains an error due to the fault of a newspaper, the notice as presented for publication is a valid notice under this chapter.

(m) Notwithstanding subsection (j), if a notice of budget estimates for a political subdivision is published as required in IC 6-1.1-17-3, and if the notice is not published at least ten (10) days before the date fixed for the public hearing on the budget estimate due to the fault of a newspaper, the notice is a valid notice under this chapter if it is published one (1) time at least three (3) days before the hearing.

SECTION 6. IC 5-3-1-3, AS AMENDED BY P.L.1-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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UPON PASSAGE]: Sec. 3. (a) Within sixty (60) days after the expiration of each calendar year, the fiscal officer of each civil city and town in Indiana shall publish an annual report of the receipts and expenditures of the city or town during the preceding calendar year.

(b) Not earlier than August 1 or later than August 15 of each year, the secretary of each school corporation in Indiana shall publish an annual financial report.

(c) In the annual financial report the school corporation shall include the following:

- (1) Actual receipts and expenditures by major accounts as compared to the budget ~~advertised under IC 6-1.1-17-3~~ for the prior calendar year.
- (2) The salary schedule for all certificated employees (as defined in IC 20-29-2-4) as of June 30, with the number of employees at each salary increment. However, the listing of salaries of individual teachers is not required.
- (3) The extracurricular salary schedule as of June 30.
- (4) The range of rates of pay for all noncertificated employees by specific classification.
- (5) The number of employees who are full-time certificated, part-time certificated, full-time noncertificated, and part-time noncertificated.
- (6) The lowest, highest, and average salary for the administrative staff and the number of administrators without a listing of the names of particular administrators.
- (7) The number of students enrolled at each grade level and the total enrollment.
- (8) The assessed valuation of the school corporation for the prior and current calendar year.
- (9) The tax rate for each fund for the prior and current calendar year.
- (10) In the general fund, capital projects fund, and transportation fund, a report of the total payment made to each vendor for the specific fund in excess of two thousand five hundred dollars (\$2,500) during the prior calendar year. However, a school corporation is not required to include more than two hundred (200) vendors whose total payment to each vendor was in excess of two thousand five hundred dollars (\$2,500). A school corporation shall list the vendors in descending order from the vendor with the highest total payment to the vendor with the lowest total payment above the minimum listed in this subdivision.

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(11) A statement providing that the contracts, vouchers, and bills for all payments made by the school corporation are in its possession and open to public inspection.

(12) The total indebtedness as of the end of the prior calendar year showing the total amount of notes, bonds, certificates, claims due, total amount due from such corporation for public improvement assessments or intersections of streets, and any and all other evidences of indebtedness outstanding and unpaid at the close of the prior calendar year.

(d) The school corporation may provide an interpretation or explanation of the information included in the financial report.

(e) The department of education shall do the following:

(1) Develop guidelines for the preparation and form of the financial report.

(2) Provide information to assist school corporations in the preparation of the financial report.

(f) The annual reports required by this section and IC 36-2-2-19 and the abstract required by IC 36-6-4-13 shall each be published one (1) time only, in accordance with this chapter.

(g) Each school corporation shall submit to the department of education a copy of the financial report required under this section. The department of education shall make the financial reports available for public inspection.

SECTION 7. IC 6-1.1-15-1, AS AMENDED BY P.L.1-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A taxpayer may obtain a review by the county board of a county or township official's action with respect to the assessment of the taxpayer's tangible property if the official's action requires the giving of notice to the taxpayer. At the time that notice is given to the taxpayer, the taxpayer shall also be informed in writing of:

(1) the opportunity for a review under this section, including a meeting under subsection (h) with the county or township official referred to in this subsection; and

(2) the procedures the taxpayer must follow in order to obtain a review under this section.

(b) In order to obtain a review of an assessment effective for the assessment date to which the notice referred to in subsection (a) applies, the taxpayer must file a notice in writing with the county or township official referred to in subsection (a) not later than forty-five (45) days after the date of the notice referred to in subsection (a).

(c) A taxpayer may obtain a review by the county board of the assessment of the taxpayer's tangible property effective for an

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assessment date for which a notice of assessment is not given as described in subsection (a). To obtain the review, the taxpayer must file a notice in writing with the township assessor of the township in which the property is subject to assessment. The right of a taxpayer to obtain a review under this subsection for an assessment date for which a notice of assessment is not given does not relieve an assessing official of the duty to provide the taxpayer with the notice of assessment as otherwise required by this article. ~~For an assessment date in a year before 2009, The notice must be filed on or before May 10 of the year. For an assessment date in a year after 2008, the notice must be filed not later than the later of:~~

- ~~(1) May 10 of the year; or~~
- ~~(2) forty-five (45) days after the date of the statement mailed by the county auditor under IC 6-1.1-17-3(b).~~

(d) A change in an assessment made as a result of a notice for review filed by a taxpayer under subsection (c) after the time prescribed in subsection (c) becomes effective for the next assessment date. A change in an assessment made as a result of a notice for review filed by a taxpayer under subsection (b) or (c) remains in effect from the assessment date for which the change is made until the next assessment date for which the assessment is changed under this article.

(e) The written notice filed by a taxpayer under subsection (b) or (c) must include the following information:

- (1) The name of the taxpayer.
- (2) The address and parcel or key number of the property.
- (3) The address and telephone number of the taxpayer.

(f) A county or township official who receives a notice for review filed by a taxpayer under subsection (b) or (c) shall immediately forward the notice to the county board.

(g) The county board shall hold a hearing on a review under this subsection not later than one hundred eighty (180) days after the date of the notice for review filed by the taxpayer under subsection (b) or (c). The county board shall, by mail, give notice of the date, time, and place fixed for the hearing to the taxpayer and the county or township official with whom the taxpayer filed the notice for review. The taxpayer and the county or township official with whom the taxpayer filed the notice for review are parties to the proceeding before the county board.

(h) Before the county board holds the hearing required under subsection (g), the taxpayer may request a meeting by filing a written request with the county or township official with whom the taxpayer filed the notice for review to:

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- (1) attempt to resolve as many issues under review as possible; and
- (2) seek a joint recommendation for settlement of some or all of the issues under review.

A county or township official who receives a meeting request under this subsection before the county board hearing shall meet with the taxpayer. The taxpayer and the county or township official shall present a joint recommendation reached under this subsection to the county board at the hearing required under subsection (g). The county board may adopt or reject the recommendation in whole or in part.

(i) At the hearing required under subsection (g):

- (1) the taxpayer may present the taxpayer's reasons for disagreement with the assessment; and
- (2) the county or township official with whom the taxpayer filed the notice for review must present:
 - (A) the basis for the assessment decision; and
 - (B) the reasons the taxpayer's contentions should be denied.

(j) The county board may not require a taxpayer to file documentary evidence or summaries of statements of testimonial evidence before the hearing required under subsection (g). If the action for which a taxpayer seeks review under this section is the assessment of tangible property, the taxpayer is not required to have an appraisal of the property in order to do the following:

- (1) Initiate the review.
- (2) Prosecute the review.

(k) Regardless of whether the county board adopts a recommendation under subsection (h), the county board shall prepare a written decision resolving all of the issues under review. The county board shall, by mail, give notice of its determination not later than one hundred twenty (120) days after the hearing under subsection (g) to the taxpayer, the county assessor, and the township assessor.

(l) If the maximum time elapses:

- (1) under subsection (g) for the county board to hold a hearing; or
- (2) under subsection (k) for the county board to give notice of its determination;

the taxpayer may initiate a proceeding for review before the Indiana board by taking the action required by section 3 of this chapter at any time after the maximum time elapses.

SECTION 8. IC 6-1.1-17-3, AS AMENDED BY P.L.219-2007, SECTION 49, AND AS AMENDED BY P.L.224-2007, SECTION 5, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The proper officers of a

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political subdivision shall formulate its estimated budget and its proposed tax rate and tax levy on the form prescribed by the department of local government finance and approved by the state board of accounts. The political subdivision shall give notice by publication to taxpayers of:

- (1) the estimated budget;
- (2) the estimated maximum permissible levy;
- (3) the current and proposed tax levies of each fund; and
- (4) the amounts of excessive levy appeals to be requested.

In the notice, the political subdivision shall also state the time and place at which a public hearing will be held on these items. The notice shall be published twice in accordance with IC 5-3-1 with the first publication at least ten (10) days before the date fixed for the public hearing. Beginning in 2009, the duties required by this subsection must be completed before August 10 of the calendar year. A political subdivision shall provide the estimated budget and levy information required for the notice under subsection (b) to the county auditor on the schedule determined by the department of local government finance.

(b) Beginning in 2009, before August 10 of a calendar year, the county auditor shall mail to the last known address of each person liable for any property taxes, as shown on the tax duplicate, or to the last known address of the most recent owner shown in the transfer book, a statement that includes:

- (1) the assessed valuation as of the assessment date in the current calendar year of tangible property on which the person will be liable for property taxes first due and payable in the immediately succeeding calendar year and notice to the person of the opportunity to appeal the assessed valuation under ~~IC 6-1.1-15-1(b); IC 6-1.1-15-1(c);~~

- (2) the amount of property taxes for which the person will be liable to each political subdivision on the tangible property for taxes first due and payable in the immediately succeeding calendar year, taking into account all factors that affect that liability, including:

- (A) the estimated budget and proposed tax rate and tax levy formulated by the political subdivision under subsection (a);
- (B) any deductions or exemptions that apply to the assessed valuation of the tangible property;
- (C) any credits that apply in the determination of the tax liability; and
- (D) the county auditor's best estimate of the effects on the tax liability that might result from actions of:

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- ~~(i) the county board of tax adjustment (before January 1, 2009) or the county board of tax and capital projects review (after December 31, 2008); or~~
- ~~(ii) the department of local government finance;~~
- (3) a prominently displayed notation that:

- (A) the estimate under subdivision (2) is based on the best information available at the time the statement is mailed; and

- (B) based on various factors, including potential actions by:

- ~~(i) the county board of tax adjustment (before January 1, 2009) or the county board of tax and capital projects review (after December 31, 2008); or~~
- ~~(ii) the department of local government finance;~~

it is possible that the tax liability as finally determined will differ substantially from the estimate;

- (4) comparative information showing the amount of property taxes for which the person is liable to each political subdivision on the tangible property for taxes first due and payable in the current year; and

- (5) the date, time, and place at which the political subdivision will hold a public hearing on the political subdivision's estimated budget and proposed tax rate and tax levy as required under subsection (a);

(c) The department of local government finance shall:

- (1) prescribe a form for; and

- (2) provide assistance to county auditors in preparing;

statements under subsection (b). Mailing the statement described in subsection (b) to a mortgagee maintaining an escrow account for a person who is liable for any property taxes shall not be construed as compliance with subsection (b);

(d) The board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal) may conduct the public hearing required under subsection (a):

- (1) in any county of the solid waste management district; and

- (2) in accordance with the annual notice of meetings published under IC 13-21-5-2.

(e) (b) The trustee of each township in the county shall estimate the amount necessary to meet the cost of township assistance in the township for the ensuing calendar year. The township board shall adopt with the township budget a tax rate sufficient to meet the estimated cost of township assistance. The taxes collected as a result of the tax rate adopted under this subsection are credited to the township assistance fund.

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~~(f)~~ (c) A county shall adopt with the county budget and the department of local government finance shall certify under section 16 of this chapter a tax rate sufficient to raise the levy necessary to pay the following:

- (1) The cost of child services (as defined in IC 12-19-7-1) of the county payable from the family and children's fund.
- (2) The cost of children's psychiatric residential treatment services (as defined in IC 12-19-7.5-1) of the county payable from the children's psychiatric residential treatment services fund.

A budget, tax rate, or tax levy adopted by a county fiscal body or approved or modified by a county board of tax adjustment that is less than the levy necessary to pay the costs described in subdivision (1) or (2) shall not be treated as a final budget, tax rate, or tax levy under section 11 of this chapter.

SECTION 9. IC 6-1.1-17-5, AS AMENDED BY P.L.219-2007, SECTION 50, AND AS AMENDED BY P.L.224-2007, SECTION 6, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The officers of political subdivisions shall meet each year to fix the budget, tax rate, and tax levy of their respective subdivisions for the ensuing budget year as follows:

~~(1) The fiscal body of a consolidated city and county, not later than the last meeting of the fiscal body in September.~~

~~(2) The fiscal body of a municipality, not later than September 30.~~

~~(3)~~ (1) The board of school trustees of a school corporation that is located in a city having a population of more than one hundred five thousand (105,000) but less than one hundred twenty thousand (120,000), not later than:

(A) the time required in section 5.6(b) of this chapter; or

(B) September ~~20~~ 30 if a resolution adopted under section 5.6(d) of this chapter is in effect.

~~(4)~~ (2) The proper officers of all other political subdivisions, not later than September ~~20~~ 30.

Except in a consolidated city and county and in a second class city, the public hearing required by section 3 of this chapter must be completed at least ten ~~(10)~~ days before the proper officers of the political subdivision meet to fix the budget, tax rate, and tax levy. In a consolidated city and county and in a second class city, that public hearing, by any committee or by the entire fiscal body, may be held at any time after introduction of the budget.

(b) Ten (10) or more taxpayers may object to a budget, tax rate, or

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tax levy of a political subdivision fixed under subsection (a) by filing an objection petition with the proper officers of the political subdivision not more than seven (7) days after the hearing. The objection petition must specifically identify the provisions of the budget, tax rate, and tax levy to which the taxpayers object.

(c) If a petition is filed under subsection (b), the fiscal body of the political subdivision shall adopt with its budget a finding concerning the objections in the petition and any testimony presented at the adoption hearing.

(d) This subsection does not apply to a school corporation. Each year at least two (2) days before the first meeting *after September 20* of the county board of tax adjustment (*before January 1, 2009*) or the county board of tax and capital projects review (*after December 31, 2008*) held under IC 6-1.1-29-4, a political subdivision shall file with the county auditor:

- (1) a statement of the tax rate and levy fixed by the political subdivision for the ensuing budget year;
- (2) two (2) copies of the budget adopted by the political subdivision for the ensuing budget year; and
- (3) two (2) copies of any findings adopted under subsection (c).

Each year the county auditor shall present these items to the county board of tax adjustment (*before January 1, 2009*) or the county board of tax and capital projects review (*after December 31, 2008*) at the board's first meeting *under IC 6-1.1-29-4 after September 20 of that year*.

(e) In a consolidated city and county and in a second class city, the clerk of the fiscal body shall, notwithstanding subsection (d), file the adopted budget and tax ordinances with the county board of tax adjustment (*before January 1, 2009*) or the county board of tax and capital projects review (*after December 31, 2008*) within two (2) days after the ordinances are signed by the executive, or within two (2) days after action is taken by the fiscal body to override a veto of the ordinances, whichever is later.

(f) If a fiscal body does not fix the budget, tax rate, and tax levy of the political subdivisions for the ensuing budget year as required under this section, the most recent annual appropriations and annual tax levy are continued for the ensuing budget year.

SECTION 10. IC 6-1.1-17-16, AS AMENDED BY P.L.1-2007, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) Subject to the limitations and requirements prescribed in this section, the department of local government finance may revise, reduce, or increase a political

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subdivision's budget by fund, tax rate, or tax levy which the department reviews under section 8 or 10 of this chapter.

(b) Subject to the limitations and requirements prescribed in this section, the department of local government finance may review, revise, reduce, or increase the budget by fund, tax rate, or tax levy of any of the political subdivisions whose tax rates compose the aggregate tax rate within a political subdivision whose budget, tax rate, or tax levy is the subject of an appeal initiated under this chapter.

(c) Except as provided in subsections (j) and (k), before the department of local government finance reviews, revises, reduces, or increases a political subdivision's budget by fund, tax rate, or tax levy under this section, the department must hold a public hearing on the budget, tax rate, and tax levy. The department of local government finance shall hold the hearing in the county in which the political subdivision is located. The department of local government finance may consider the budgets by fund, tax rates, and tax levies of several political subdivisions at the same public hearing. At least five (5) days before the date fixed for a public hearing, the department of local government finance shall give notice of the time and place of the hearing and of the budgets by fund, levies, and tax rates to be considered at the hearing. The department of local government finance shall publish the notice in two (2) newspapers of general circulation published in the county. However, if only one (1) newspaper of general circulation is published in the county, the department of local government finance shall publish the notice in that newspaper.

(d) Except as provided in subsection (i), IC 20-45, IC 20-46, or IC 6-1.1-18.5, the department of local government finance may not increase a political subdivision's budget by fund, tax rate, or tax levy to an amount which exceeds the amount originally fixed by the political subdivision. However, if the department of local government finance determines that IC 5-3-1-2.3(b) applies to the tax rate, tax levy, or budget of the political subdivision, the maximum amount by which the department may increase the tax rate, tax levy, or budget is the amount originally fixed by the political subdivision, and not the amount that was incorrectly published or omitted in the notice described in IC 5-3-1-2.3(b). The department of local government finance shall give the political subdivision written notification specifying any revision, reduction, or increase the department proposes in a political subdivision's tax levy or tax rate. The political subdivision has two (2) weeks from the date the political subdivision receives the notice to provide a written response to the department of local government finance's Indianapolis office. The response may include budget

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reductions, reallocation of levies, a revision in the amount of miscellaneous revenues, and further review of any other item about which, in the view of the political subdivision, the department is in error. The department of local government finance shall consider the adjustments as specified in the political subdivision's response if the response is provided as required by this subsection and shall deliver a final decision to the political subdivision.

(e) The department of local government finance may not approve a levy for lease payments by a city, town, county, library, or school corporation if the lease payments are payable to a building corporation for use by the building corporation for debt service on bonds and if:

- (1) no bonds of the building corporation are outstanding; or
- (2) the building corporation has enough legally available funds on hand to redeem all outstanding bonds payable from the particular lease rental levy requested.

(f) The department of local government finance shall certify its action to:

- (1) the county auditor;
- (2) the political subdivision if the department acts pursuant to an appeal initiated by the political subdivision;
- (3) the taxpayer that initiated an appeal under section 13 of this chapter, or, if the appeal was initiated by multiple taxpayers, the first ten (10) taxpayers whose names appear on the statement filed to initiate the appeal; and
- (4) a taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision.

(g) The following may petition for judicial review of the final determination of the department of local government finance under subsection (f):

- (1) If the department acts under an appeal initiated by a political subdivision, the political subdivision.
- (2) If the department:
 - (A) acts under an appeal initiated by one (1) or more taxpayers under section 13 of this chapter; or
 - (B) fails to act on the appeal before the department certifies its action under subsection (f);
 a taxpayer who signed the statement filed to initiate the appeal.
- (3) If the department acts under an appeal initiated by the county auditor under section 14 of this chapter, the county auditor.
- (4) A taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political

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subdivision.

The petition must be filed in the tax court not more than forty-five (45) days after the department certifies its action under subsection (f).

(h) The department of local government finance is expressly directed to complete the duties assigned to it under this section not later than February 15th of each year for taxes to be collected during that year.

(i) Subject to the provisions of all applicable statutes, the department of local government finance may increase a political subdivision's tax levy to an amount that exceeds the amount originally fixed by the political subdivision if the increase: ~~is:~~

(1) ~~is~~ requested in writing by the officers of the political subdivision;

(2) ~~either:~~

(A) ~~based on information first obtained by the political subdivision after the public hearing under section 3 of this chapter; or~~

(B) ~~results from an inadvertent mathematical error made in determining the levy; and~~

(3) ~~is~~ published by the political subdivision according to a notice provided by the department.

(j) The department of local government finance shall annually review the budget by fund of each school corporation not later than April 1. The department of local government finance shall give the school corporation written notification specifying any revision, reduction, or increase the department proposes in the school corporation's budget by fund. A public hearing is not required in connection with this review of the budget.

(k) The department of local government finance may hold a hearing under subsection (c) only if the notice required in section 12 of this chapter is published at least ten (10) days before the date of the hearing.

SECTION 11. IC 14-33-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) This section applies to districts:

(1) established after July 1, 1983; and

(2) containing all or part of a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

(b) Each year **before August 1** the board shall submit two (2) copies of the estimated budget formulated by the district for the next budget year to the fiscal body of the county described in subsection (a). ~~at least~~

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ten ~~(10)~~ days before the board holds the public hearing on the estimated budget under IC 6-1.1-17-3.

(c) The fiscal body:

- (1) shall hold a public hearing on the budget; and
- (2) may lower but may not increase any item in the estimated budget.

Notice of the hearing shall be published in accordance with IC 5-3-1, except that notice must be published at least five (5) days before the hearing date.

(d) **Each year before August 10** the county fiscal body shall deliver two (2) copies of the budget approved under subsection (c) to the board. ~~at least two (2) days before the date fixed for the public hearing on the budget held by the board under IC 6-1.1-17-3.~~ The board may not approve a total budget in excess of the amount approved by the county fiscal body.

SECTION 12. IC 20-29-2-17, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. "Submission date" means ~~the first date for the legal notice and publication of the budget of a school corporation under IC 6-1.1-17-3.~~ **August 1.**"

Page 19, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 34. IC 36-2-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. Before the Thursday after the first Monday in August of each year, persons preparing budget estimates under this chapter shall present them to the county auditor, who shall file them in ~~his~~ **the county auditor's** office and make them available for inspection by county taxpayers. ~~The auditor shall also comply with the notice requirements of IC 6-1.1-17-3.~~

SECTION 35. IC 36-4-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. Before ~~the publication of notice of budget estimates required by IC 6-1.1-17-3,~~ **August 1**, each city shall formulate a budget estimate for the ensuing budget year in the following manner:

- (1) Each department head shall prepare for his department an estimate of the amount of money required for the ensuing budget year, stating in detail each category and item of expenditure he anticipates.
- (2) The city fiscal officer shall prepare an itemized estimate of revenues available for the ensuing budget year, and shall prepare an itemized estimate of expenditures for other purposes above the money proposed to be used by the departments.

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(3) The city executive shall meet with the department heads and the fiscal officer to review and revise their various estimates.

(4) After the executive's review and revision, the fiscal officer shall prepare for the executive a report of the estimated department budgets, miscellaneous expenses, and revenues necessary or available to finance the estimates.

SECTION 36. IC 36-5-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. Before ~~the publication of notice of budget estimates required by IC 6-1.1-17-3,~~ **August 1**, each town shall formulate a budget estimate for the ensuing budget year in the following manner, unless it provides by ordinance for a different manner:

(1) Each department head shall prepare for his department an estimate of the amount of money required for the ensuing budget year, stating in detail each category and item of expenditure he anticipates.

(2) The town fiscal officer shall prepare an itemized estimate of revenues available for the ensuing budget year, and shall prepare an itemized estimate of expenditures for other purposes above the money proposed to be used by the departments.

(3) The town executive shall meet with the department heads and the fiscal officer to review and revise their various estimates.

(4) After the executive's review and revision, the fiscal officer shall prepare for the executive a report of the estimated department budgets, miscellaneous expenses, and revenues necessary or available to finance the estimates.

SECTION 37. IC 36-7-15.1-26.9, AS AMENDED BY P.L.224-2007, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26.9. (a) The definitions set forth in section 26.5 of this chapter apply to this section.

(b) The fiscal officer of the consolidated city shall publish in the newspaper in the county with the largest circulation all determinations made under section 26.5 or 26.7 of this chapter that result in the allowance or disallowance of credits. The publication of a determination made under section 26.5 of this chapter shall be made not later than June 20 of the year in which the determination is made. The publication of a determination made under section 26.7 of this chapter shall be made not later than December 5 of the year in which the determination is made.

(c) If credits are granted under section 26.5(g) or 26.5(h) of this chapter, whether in whole or in part, property taxes on personal property (as defined in IC 6-1.1-1-11) that are equal to the aggregate

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amounts of the credits for all taxpayers in the allocation area under section 26.5(g) and 26.5(h) of this chapter shall be:

- (1) allocated to the redevelopment district;
- (2) paid into the special fund for that allocation area; and
- (3) used for the purposes specified in section 26 of this chapter.

(d) The county auditor shall adjust the estimate of assessed valuation that the auditor certifies under IC 6-1.1-17-1 for all taxing units in which the allocation area is located. The county auditor may amend this adjustment ~~at any time before the earliest date a taxing unit must publish the unit's proposed property tax rate under IC 6-1.1-17-3~~ **August 1** in the year preceding the year in which the credits under section 26.5(g) or 26.5(h) of this chapter are paid. The auditor's adjustment to the assessed valuation shall be:

- (1) calculated to produce an estimated assessed valuation that will offset the effect that paying personal property taxes into the allocation area special fund under subsection (c) would otherwise have on the ability of a taxing unit to achieve the taxing unit's tax levy in the following year; and
- (2) used by the county board of tax adjustment (before January 1, 2009) or the county board of tax and capital projects review (after December 31, 2008), the department of local government finance, and each taxing unit in determining each taxing unit's tax rate and tax levy in the following year.

(e) The amount by which a taxing unit's levy is adjusted as a result of the county auditor's adjustment of assessed valuation under subsection (d), and the amount of the levy that is used to make direct payments to taxpayers under section 26.5(h) of this chapter, is not part of the total county tax levy under IC 6-1.1-21-2(g) and is not subject to IC 6-1.1-20.

(f) The ad valorem property tax levy limits imposed by IC 6-1.1-18.5-3 and IC 20-45-3 do not apply to ad valorem property taxes imposed that are used to offset the effect of paying personal property taxes into an allocation area special fund during the taxable year under subsection (d) or to make direct payments to taxpayers under section 26.5(h) of this chapter. For purposes of computing the ad valorem property tax levy limits imposed under IC 6-1.1-18.5-3 and IC 20-45-3, a taxing unit's ad valorem property tax levy for a particular calendar year does not include that part of the levy imposed to offset the effect of paying personal property taxes into an allocation area special fund under subsection (d) or to make direct payments to taxpayers under section 26.5(h) of this chapter.

(g) Property taxes on personal property that are deposited in the

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allocation area special fund:

(1) are subject to any pledge of allocated property tax proceeds made by the redevelopment district under section 26(d) of this chapter, including but not limited to any pledge made to owners of outstanding bonds of the redevelopment district of allocated taxes from that area; and

(2) may not be treated as property taxes used to pay interest or principal due on debt under IC 6-1.1-21-2(g)(1)(D).".

Page 19, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 38. IC 36-12-3-12, AS AMENDED BY P.L.219-2007, SECTION 148, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) The library board shall determine the rate of taxation for the library district that is necessary for the proper operation of the library. The library board shall certify the rate to the county auditor. The county auditor shall certify the tax rate to the county tax adjustment board in the manner provided in IC 6-1.1. An additional rate may be levied under section 10(4) of this chapter.

(b) If the library board fails to:

(1) give:

(A) a first published notice to the board's taxpayers of the board's proposed budget and tax levy for the ensuing year at ~~least ten (10) days before the public hearing required under IC 6-1.1-17-3;~~ **before August 1;** and

(B) a second published notice to the board's taxpayers of the board's proposed budget and tax levy for the ensuing year at ~~least three (3) days before the public hearing required under IC 6-1.1-17-3;~~ **before August 10;** or

(2) finally adopt the budget and fix the tax levy not later than September 30;

the last preceding annual appropriation made for the public library is renewed for the ensuing year, and the last preceding annual tax levy is continued. Under this subsection, the treasurer of the library board shall report the continued tax levy to the county auditor not later than September 30.".

Page 19, after line 22, begin a new paragraph and insert:

"SECTION 40. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 312 as printed February 22, 2008.)

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